



City of Westminster

# Committee Agenda

Title: **Licensing Sub-Committee (5)**

Meeting Date: **Thursday 25th April, 2019**

Time: **10.00 am**

Venue: **Rooms 18.02 & 18.03, 18th Floor, 64 Victoria Street, London, SW1E 6QP**

Members: **Councillors:**

Murad Gassanly (Chair)  
Jim Glen  
Aziz Toki

**Members of the public are welcome to attend the meeting and listen to the discussion Part 1 of the Agenda.**

**Admission to the public gallery is via a visitor's pass which is available from the main ground floor reception at 64 Victoria Street from 9.30am. If you have a disability and require any special assistance please contact the Committee Officer (details listed below) in advance of the meeting.**



**An Induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter. If you require any further information, please contact the Committee Officer, Kisi Smith-Charlemagne, Senior Committee and Governance Officer.**

**Email: [kscharlemagne@westminster.gov.uk](mailto:kscharlemagne@westminster.gov.uk) Tel: 020 7641 2783**

**Corporate Website: [www.westminster.gov.uk](http://www.westminster.gov.uk)**

**Note for Members:** Members are reminded that Officer contacts are shown at the end of each report and Members are welcome to raise questions in advance of the meeting. With regard to item 2, guidance on declarations of interests is included in the Code of Governance; if Members and Officers have any particular questions they should contact the Director of Law in advance of the meeting please.

**AGENDA**

**PART 1 (IN PUBLIC)**

**1. MEMBERSHIP**

To report any changes to the membership.

**2. DECLARATIONS OF INTEREST**

To receive declarations by Members and Officers of any personal or prejudicial interests in matters on this agenda.

**Licensing Applications for Determination**

**1. BAGATELLE, BASEMENT AND GROUND FLOOR DOVER HOUSE, 34 DOVER STREET, LONDON, W1S 4NG**

**(Pages 1 - 50)**

App No	Ward / Cumulative Impact Area	Site Name and Address	Application	Licensing Reference Number
1.	West End Ward/Not in Cumulative Impact Area	Bagatelle, Basement and Ground Floor Dover House, 34 Dover Street, London, W1S 4NG	Premises Licence Variation	19/02160/LIPV

**2. WINGSTOP RESTAURANTS, BASEMENT TO SECOND FLOOR, 138 SHAFTESBURY AVENUE LONDON, W1D 7EA**

(Pages 51 - 88)

App No	Ward / Cumulative Impact Area	Site Name and Address	Application	Licensing Reference Number
2.	St James's Ward/ West End Cumulative Impact Area	Wingstop Restaurants, Basement to Second Floor, 138 Shaftesbury Avenue London, W1D 7EA	Premises Licence Variation	19/00950/LIPV

**Stuart Love**  
**Chief Executive**  
**17 April 2019**

In considering applications for premises licences under the Licensing Act 2003, the sub-committee is advised of the following:

### **POLICY CONSIDERATIONS**

The Licensing Sub-Committee is required to have regard to the City of Westminster statement of Licensing Policy, effective from 7<sup>th</sup> January 2016.

### **GUIDANCE CONSIDERATIONS**

The Licensing Sub-Committee is required to have regard to any guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003. The most recent version was published in April 2018.

### **CORE HOURS WHEN CUSTOMERS ARE PERMITTED TO BE ON THE PREMISES** (As set out in the Council's Statement of Licensing Policy 2016)

- For premises for the supply of alcohol for consumption on the premises:

Friday and Saturday: 10:00 to midnight  
Sundays immediately prior to Bank Holidays: Midday to midnight  
Other Sundays: Midday to 22:30  
Monday to Thursday: 10:00 to 23:30.

- For premises for the supply of alcohol for consumption off the premises:

Monday to Saturday: 08:00 to 23:00  
Sundays: 10:00 to 22:30.

- For premises for the provision of other licensable activities:

Friday and Saturday: 09.00 to midnight  
Sundays immediately prior to Bank Holidays: 09.00 to midnight  
Other Sundays: 09.00 to 22.30  
Monday to Thursday: 09.00 to 23.30.



City of Westminster

# Agenda Item 1

## Licensing Sub-Committee Report

Item No:

Date:

Licensing Ref No:

Title of Report:

Report of:

Wards involved:

Policy context:

Financial summary:

Report Author:

Contact details

**1. Application**

<b>1-A Applicant and premises</b>			
<b>Application Type:</b>	Variation of a Premises Licence, Licensing Act 2003		
<b>Application received date:</b>	21 February 2019		
<b>Applicant:</b>	Bagatelle Dover Street Limited		
<b>Premises:</b>	Bagatelle		
<b>Premises address:</b>	Basement and Ground Floor Dover House 34 Dover Street London	<b>Ward:</b>	West End Ward
		<b>Cumulative Impact Area:</b>	None
<b>Premises description:</b>	The premises currently operate as a bar/restaurant		
<b>Variation description:</b>	<p>To extend the terminal hour for the licensable activities and opening hours on Monday to Wednesday until 01:00 (save for late night refreshment which is currently permitted until 01:00)</p> <p>To extend the terminal hour for the licensable activities and opening hours on Thursday to Saturday until 02:00.</p> <p>To amend condition 33 in Annex 2 to read: The maximum number of person (excluding staff) within the premises shall not exceed: - Ground Floor: 150 persons - Basement: 60 persons</p> <p>To amend, delete, update and propose further conditions on the licence as per the attached document, and in particular the conditions affected are: 10, 11, 12, 13, 15, 16, 17, 18, 19, 20, 22, 23, 25, 27, 29, 30, 31, 32, 33</p>		
<b>Premises licence history:</b>	The premises have had the benefit of a premises licence since 2005. The current premises licence reference is 18/04123/LIPVM which is attached as Appendix 1 of this report. Please see Appendix 3 of the report for a full licence history.		
<b>Applicant submissions:</b>	None		

1-B Current and proposed licensable activities, areas and hours						
Live Music						
Indoors, outdoors or both			Current :		Proposed:	
			Indoors		No change	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	09:00	00:30	09:00	01:00	Basement and Ground Floor	No change
Tuesday	09:00	00:30	09:00	01:00		
Wednesday	09:00	00:30	09:00	01:00		
Thursday	09:00	01:00	09:00	02:00		
Friday	09:00	01:00	09:00	02:00		
Saturday	09:00	01:00	09:00	02:00		
Sunday	09:00	00:00	No change			
Seasonal variations/ Non-standard timings:	Current:				Proposed:	
	On New Year's Eve the premises can remain open for the purpose of providing regulated entertainment from the time when the provision of regulated entertainment must otherwise cease on New Year's Eve to the time when regulated entertainment can commence on New Year's Day (or until midnight on New Year's Eve where no regulated entertainment takes place on New Year's Day).				The premises may remain open for the sale of alcohol, regulated entertainment and the provision of late night refreshment from the terminal hour for those activities on New Year's Eve through to the commencement time for those activities on New Year's Day.	

Performance of Dance						
Indoors, outdoors or both			Current :		Proposed:	
			Indoors		No change	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	09:00	00:30	09:00	01:00	Basement and Ground Floor	No change
Tuesday	09:00	00:30	09:00	01:00		
Wednesday	09:00	00:30	09:00	01:00		
Thursday	09:00	01:00	09:00	02:00		
Friday	09:00	01:00	09:00	02:00		
Saturday	09:00	01:00	09:00	02:00		
Sunday	09:00	00:00	No change			
Seasonal variations/ Non-standard timings:	Current:				Proposed:	
	On New Year's Eve the premises can remain open for the purpose of providing regulated entertainment from the time when the provision of regulated entertainment must otherwise cease on New Year's Eve to the time when regulated entertainment can commence on New Year's Day (or until midnight on New Year's Eve where no regulated entertainment takes				The premises may remain open for the sale of alcohol, regulated entertainment and the provision of late night refreshment from the terminal hour for those activities on New Year's Eve through to the commencement time for those activities on New Year's Day.	

	place on New Year's Day).	
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Anything similar to dance, live music and recorded music						
Indoors, outdoors or both			Current :		Proposed:	
			Indoors		No change	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
<b>Monday</b>	09:00	00:30	09:00	01:00	Basement and Ground Floor	No change
<b>Tuesday</b>	09:00	00:30	09:00	01:00		
<b>Wednesday</b>	09:00	00:30	09:00	01:00		
<b>Thursday</b>	09:00	01:00	09:00	02:00		
<b>Friday</b>	09:00	01:00	09:00	02:00		
<b>Saturday</b>	09:00	01:00	09:00	02:00		
<b>Sunday</b>	09:00	00:00	No change			
<b>Seasonal variations/ Non-standard timings:</b>	<b>Current:</b> On New Year's Eve the premises can remain open for the purpose of providing regulated entertainment from the time when the provision of regulated entertainment must otherwise cease on New Year's Eve to the time when regulated entertainment can commence on New Year's Day (or until midnight on New Year's Eve where no regulated entertainment takes place on New Year's Day).				<b>Proposed:</b> The premises may remain open for the sale of alcohol, regulated entertainment and the provision of late night refreshment from the terminal hour for those activities on New Year's Eve through to the commencement time for those activities on New Year's Day.	

Late night refreshment						
Indoors, outdoors or both			Current :		Proposed:	
			Indoors		No change	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
<b>Monday</b>	23:00	01:00	No change		Basement and Ground Floor	No change
<b>Tuesday</b>	23:00	01:00				
<b>Wednesday</b>	23:00	01:00				
<b>Thursday</b>	23:00	01:00	23:00	02:00		
<b>Friday</b>	23:00	01:00	23:00	02:00		
<b>Saturday</b>	23:00	01:00	23:00	02:00		
<b>Sunday</b>	23:00	00:30	No change			
<b>Seasonal</b>	<b>Current:</b>				<b>Proposed:</b>	



<b>variations/ Non-standard timings:</b>	On New Year's Eve the premises can remain open for the purpose of providing regulated entertainment from the time when the provision of regulated entertainment must otherwise cease on New Year's Eve to the time when regulated entertainment can commence on New Year's Day (or until midnight on New Year's Eve where no regulated entertainment takes place on New Year's Day).	The premises may remain open for the sale of alcohol, regulated entertainment and the provision of late night refreshment from the terminal hour for those activities on New Year's Eve through to the commencement time for those activities on New Year's Day.
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<b>Sale by Retail of Alcohol</b>						
<b>On or off sales</b>			<b>Current :</b>		<b>Proposed:</b>	
			Both on and off		No change	
	<b>Current Hours</b>		<b>Proposed Hours</b>		<b>Licensable Area</b>	
	<b>Start:</b>	<b>End:</b>	<b>Start:</b>	<b>End:</b>	<b>Current:</b>	<b>Proposed:</b>
<b>Monday</b>	10:00	00:30	10:00	01:00	Basement and Ground Floor	No change
<b>Tuesday</b>	10:00	00:30	10:00	01:00		
<b>Wednesday</b>	10:00	00:30	10:00	01:00		
<b>Thursday</b>	10:00	00:30	10:00	02:00		
<b>Friday</b>	10:00	00:30	10:00	02:00		
<b>Saturday</b>	10:00	00:30	10:00	02:00		
<b>Sunday</b>	12:00	00:00	No change			
<b>Seasonal variations/ Non-standard timings:</b>	<b>Current:</b>			<b>Proposed:</b>		
	On New Year's Eve the premises can remain open for the purpose of providing regulated entertainment from the time when the provision of regulated entertainment must otherwise cease on New Year's Eve to the time when regulated entertainment can commence on New Year's Day (or until midnight on New Year's Eve where no regulated entertainment takes place on New Year's Day).			The premises may remain open for the sale of alcohol, regulated entertainment and the provision of late night refreshment from the terminal hour for those activities on New Year's Eve through to the commencement time for those activities on New Year's Day.		

<b>Hours premises are open to the public</b>						
	<b>Current Hours</b>		<b>Proposed Hours</b>		<b>Premises Area</b>	
	<b>Start:</b>	<b>End:</b>	<b>Start:</b>	<b>End:</b>	<b>Current:</b>	<b>Proposed:</b>
<b>Monday</b>	09:00	01:00	No change		Basement and Ground Floor	No change
<b>Tuesday</b>	09:00	01:00				
<b>Wednesday</b>	09:00	01:00				
<b>Thursday</b>	09:00	01:00	09:00	02:00		
<b>Friday</b>	09:00	01:00	09:00	02:00		
<b>Saturday</b>	09:00	01:00	09:00	02:00		
<b>Sunday</b>	09:00	00:30	09:00	00:30		
<b>Seasonal</b>	<b>Current:</b>			<b>Proposed:</b>		

<b>variations/ Non-standard timings:</b>	On New Year's Eve the premises can remain open for the purpose of providing regulated entertainment from the time when the provision of regulated entertainment must otherwise cease on New Year's Eve to the time when regulated entertainment can commence on New Year's Day (or until midnight on New Year's Eve where no regulated entertainment takes place on New Year's Day).	The premises may remain open for the sale of alcohol, regulated entertainment and the provision of late night refreshment from the terminal hour for those activities on New Year's Eve through to the commencement time for those activities on New Year's Day
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<b>1-C    Layout alteration</b>
No change

<b>1-D    Conditions proposed to be removed by the applicant</b>
<p><b>Condition 10</b> This licence is subject to all the former Rules of Management for Places of Public Entertainment licensed by Westminster City Council, in force from 4 September 1998 and incorporating amendments agreed by the Council on 25 October 1999, 30 June 2000, 16 January 2001 and 1 October 2001.</p>
<p><b>Condition 11</b> Notwithstanding the provisions of Rule of Management No. 6 the premises may remain open for the purposes of this licence from 23:00 to midnight on Mondays and from 23:00 on each of the days Monday to Wednesday to 00:30am on the days following, from 23:00 on each of the days Thursday to Saturday to 01:00am on the day following and from 23:00 to midnight on Sundays.</p>
<p><b>Condition 12</b> On New Year's Eve the premises can remain open for the purpose of providing regulated entertainment from the time when the provision of regulated entertainment must otherwise cease on New Year's Eve to the time when regulated entertainment can commence on New Year's Day (or until midnight on New Year's Eve where no regulated entertainment takes place on New Year's Day).</p>
<p><b>Condition 13</b> The entertainment provided at the premises shall be of the type commonly known as DISCO Recorded Music and Live Bands.</p>
<p><b>Condition 15</b> A sound limiting device shall be located in a separate and remote lockable cabinet from the volume control must be fitted to the musical amplification system set at a level determined by and to the satisfaction of a authorised officer of the Environmental Health Services Community Protection Department so as to ensure that no noise nuisance is caused to local residents. The operational panel of the noise limiter shall then be secured to the satisfaction officer from the Environmental Health Service. The keys securing the noise limiter cabinet shall be held by the applicant only, and shall not be accessed by any other persons. The limiter shall not be altered without the prior agreement with the Environmental Health Service.</p>

<p><b>Condition 16</b> No alteration or modification to any existing sound system(s) should be effected without the prior knowledge of an authorised officer of the Environmental Health Service.</p>
<p><b>Condition 17</b> Any additional sound generating equipment shall not be used on the premises without being routed through the sound limiter device.</p>
<p><b>Condition 18</b> A door supervisor shall remain outside the main exit of the premises at least 30 minutes prior to the closing until such time as all patrons have vacated the premises and dispersed.</p>
<p><b>Condition 19</b> All refuse is paid for, properly presented and cannot be left on the highway for more than 2.5 hours.</p>
<p><b>Condition 20</b> No unauthorised advertisements of any kind (including placard, poster, sticker, flyer, picture, letter, sign or other mark) is affixed upon the surface of the highway, or upon any building structure, works, street furniture, tree, or other property, or is distributed on street to the public, that advertises or promotes the establishment, its premises, or any of its events, facilities, goods or services.</p>
<p><b>Condition 22</b> No unauthorised advertisements of any kind (including placard, poster, sticker, flyer, picture, letter, sign or other mark) is affixed upon the surface of the highway, or upon any building structure, works, street furniture, tree, or other property, or is distributed on street to the public, that advertises or promotes the establishment, its premises, or any of its events, facilities, goods or services.</p>
<p><b>Condition 23</b> A closed circuit television shall be installed, maintained and operated correctly as specified by the Metropolitan Police Crime prevention officer.</p>
<p><b>Condition 25</b> No striptease, no nudity and all persons on the premises to be decently attired.</p>
<p><b>Condition 27</b> No gaming otherwise than by machines authorised under part III, Gaming Act, 1968.</p>
<p><b>Condition 29</b> (a) Subject to the following paragraphs, the permitted hours on weekdays shall commence at 10:00 and extend until 00:30 on the morning following, except that -</p> <ul style="list-style-type: none"> <li>(i) the permitted hours shall end at 00:00 midnight on any day on which music and dancing is not provided after midnight; and</li> <li>(ii) on any day that music and dancing end between 00:00 midnight and 00:30, the permitted hours shall end when the music and dancing end;</li> </ul> <p>(b) The permitted hours on Sundays shall extend until 00:00.</p> <p>(c) The sale of alcohol must be ancillary to the use of the premises for music and dancing and substantial refreshment.</p>

- (d) The permitted hours on New Year's Eve will extend to the start of permitted hours on the following day.

NOTE - The above restrictions do not prohibit:

- (a) during the first thirty minutes after the above hours the consumption of the alcohol on the premises;
- (b) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
- (c) the sale or supply of alcohol to or the consumption of alcohol by any person residing in the licensed premises;
- (d) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- (e) the sale of alcohol to a trader or registered club for the purposes of the trade or club;
- (f) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of her Majesty's naval, military or air forces;
- (g) the taking of alcohol from the premises by a person residing there;
- (h) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied;
- (i) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

In this condition, any reference to a person residing in the premises shall be construed as including a person not residing there but carrying on or in charge of the business on the premises.

### **Condition 30**

No person under fourteen shall be in the bar of the licensed premises during the permitted hours unless one of the following applies:

- (a) He is the child of the holder of the premises licence.
- (b) He resides in the premises, but is not employed there.
- (c) He is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress.
- (d) The bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancillary.

In this condition "bar" includes any place exclusively or mainly used for the consumption of intoxicating liquor. But an area is not a bar when it is usual for it to be, and it is, set apart for the service of table meals and alcohol is only sold or supplied to persons as an ancillary to their table meals.

### **Condition 31**

If any entertainment is provided for children or if an entertainment is provided at which the majority of persons attending are children, then, if the number of children attending the entertainment exceeds 100, it shall be the duty of the holder of the premises licence (or the holder of the club premises certificate):

- (a) to station and keep stationed wherever necessary a sufficient number of adult attendants, properly instructed as to their duties, to prevent more children or other persons being admitted to the building, or to any part thereof, than the building or part can properly accommodate,

- (b) to control the movement of the children and other persons admitted while entering and leaving the building or any part thereof, and
- (c) to take all other reasonable precautions for the safety of the children.

**Condition 32**

The terminal hour for late night refreshment on New Year's Eve is extended to 05:00 on New Year's Day.

**Condition 33**

The maximum number of persons (excluding staff) within the premises shall not exceed:-

Ground Floor 150 persons  
Basement 40 persons

Correct as at 2018 18/04123/LIPVM

**1-E Conditions proposed to be added by the applicant**

Any special effects or mechanical installations shall be arranged and stored so as to minimise any risk to the safety of those using the premises. The following special effects will only be used on 10 days prior notice being given to the Licensing Authority where consent has not previously been given.

- dry ice and cryogenic fog
- smoke machines and fog generators
- pyrotechnics including fireworks
- firearms
- lasers
- explosives and highly flammable substances.
- real flame.
- strobe lighting

No person shall give at the premises any exhibition, demonstration or performance of hypnotism, mesmerism or any similar act or process which produces or is intended to produce in any other person any form of induced sleep or trance in which susceptibility of the mind of that person to suggestion or direction is increased or intended to be increased.

NOTE: (1) This rule does not apply to exhibitions given under the provisions of Section 2(1A) and 5 of the Hypnotism Act 1952

The approved arrangements at the premises, including means of escape provisions, emergency warning equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order.

The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.

All emergency doors shall be available at all material times without the use of a key, code, card or similar means.

All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device

The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.

<p>Curtains and hangings shall be arranged so as not to obstruct emergency safety signs or emergency equipment.</p>
<p>All fabrics, curtains, drapes and similar features including materials used in finishing and furnishing shall be either non-combustible or be durably or inherently flame-retarded fabric. Any fabrics used in escape routes (other than foyers), entertainment areas or function rooms, shall be non-combustible.</p>
<p>Flashing or particularly bright lights on or outside the premises shall not cause a nuisance to nearby properties, save insofar as they are necessary for the prevention of crime</p>
<p>A noise limiter must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service, Premises Management so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of officers from the Environmental Health Service and access shall only be by persons authorised by the Premises Licence holder. The limiter shall not be altered without prior agreement with the Environmental Health Service. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised Officer of the Environmental Health Service. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.</p>
<p>No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.</p>
<p>Loudspeakers shall not be located outside the premises building.</p>
<p>There shall be a minimum of 1 SIA door supervisors on duty at the premises at least 30 minutes prior to the closing until such time as all patrons have vacated the premises and dispersed.</p>
<p>On Thursdays, Fridays and Saturdays there shall be a minimum of 2 SIA door supervisors on duty at the premises from 22:00 until 30 minutes after closing or until such time all patrons have vacated the premises and dispersed.</p>
<p>No advertisements of any kind (including placard, poster, sticker, flyer, picture, letter, sign or other mark) that advertises or promotes the establishment, its premises, or any of its events, facilities, goods or services shall be inscribed or affixed upon the surface of the highway, or upon any building, structure, works, street furniture, tree, or any other property, or be distributed to the public.</p>
<p>The maximum number of persons accommodated at any one time in the basement (excluding staff) shall not exceed: Ground Floor: 220 Basement: 190</p>
<p>Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.</p>
<p>The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.</p>
<p>A staff member from the premises who is conversant with the operation of the CCTV</p>

<p>system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.</p>
<p>There shall be no striptease or nudity, and all persons shall be decently attired at all times, except when the premises are operating under the authority of a Sexual Entertainment Venue licence.</p>
<p>The sale of alcohol must be ancillary to the use of the premises for music and dancing and/or substantial refreshment.</p>
<p>The premises may remain open for the sale of alcohol, regulated entertainment and the provision of late night refreshment from the terminal hour for those activities on New Year's Eve through to the commencement time for those activities on New Year's Day.</p>
<p>The maximum number of persons (excluding staff) within the premises shall not exceed:-</p> <p>Ground Floor 150 persons Basement 60 persons</p>
<p>There shall be no entry or re-entry (save for customers who have left for smoking) to the premises after 01:00.</p>
<p>The premises licence holder shall ensure that any patrons smoking outside the premises do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway</p>
<p>An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:</p> <ol style="list-style-type: none"> <li>a. all crimes reported to the venue</li> <li>b. all ejections of patrons</li> <li>c. any complaints received</li> <li>d. any incidents of disorder</li> <li>e. all seizures of drugs or offensive weapons</li> <li>f. any faults in the CCTV system or searching equipment or scanning equipment</li> <li>g. any refusal of the sale of alcohol</li> <li>h. any visit by a relevant authority or emergency service.</li> </ol>
<p>Notices shall be prominently displayed at the exit requesting patrons to respect the needs of local residents and businesses and leave the area quietly.</p>
<p>Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.</p>

## 2. Representations

2-A Responsible Authorities	
<b>Responsible Authority:</b>	Environmental Health Service
<b>Representative:</b>	Maxwell Owusu Koduah
<b>Received:</b>	6 March 2019

I refer to the application to vary the Premises Licence number for the above mentioned premises. I have considered the information that you have provided within and accompanying this application. I have also considered the proposed licensable activities in line with the relevant policies within the Council's Statement of Licensing Policy dated January 2016.

### The applicant is seeking to:

- 1. Extend the terminal hour for the licensable activities and opening hours on Monday to Wednesday until 01:00 hours**
- 2. Extend the terminal hour for the licensable activities and opening hours on Thursday to Saturday until 02:00 hours**
- 3. Amend condition 33 which reads**

The maximum number of persons (excluding staff) within the premises shall not exceed:-

Ground Floor 150 persons  
Basement 40 persons

#### So that it reads

The maximum number of person (excluding staff) within the premises shall not exceed:

Ground Floor: 150 persons  
Basement: 60 persons

- 4. Delete conditions 13 and 27 without replacement**
- 5. Delete and replace conditions 10, 11 and 12 with:**
  - Any special effects or mechanical installations shall be arranged and stored so as to minimise any risk to the safety of those using the premises. The following special effects will only be used on 10 days prior notice being given to the Licensing Authority where consent has not previously been given.
    - dry ice and cryogenic fog
    - smoke machines and fog generators
    - pyrotechnics including fireworks
    - firearms
    - lasers
    - explosives and highly flammable substances.
    - real flame.
    - strobe lighting
  - No person shall give at the premises any exhibition, demonstration or performance of hypnotism, mesmerism or any similar act or process which produces or is intended to produce in any other person any form of induced sleep or trance in which susceptibility of the mind of that person to suggestion or direction is increased or intended to be increased.  
NOTE: (1) This rule does not apply to exhibitions given under the provisions of



Section 2(1A) and 5 of the Hypnotism Act 1952

3. The approved arrangements at the premises, including means of escape provisions, emergency warning equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order.
4. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.
5. All emergency doors shall be available at all material times without the use of a key, code, card or similar means.
6. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device
7. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
8. Curtains and hangings shall be arranged so as not to obstruct emergency safety signs or emergency equipment.
9. All fabrics, curtains, drapes and similar features including materials used in finishing and furnishing shall be either non-combustible or be durably or inherently flame-retarded fabric. Any fabrics used in escape routes (other than foyers), entertainment areas or function rooms, shall be non-combustible.
10. Flashing or particularly bright lights on or outside the premises shall not cause a nuisance to nearby properties, save insofar as they are necessary for the prevention of crime

**6. Delete and replace conditions 15, 16 and 17 with**

1. A noise limiter must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service, Premises Management so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of officers from the Environmental Health Service and access shall only be by persons authorised by the Premises Licence holder. The limiter shall not be altered without prior agreement with the Environmental Health Service. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised Officer of the Environmental Health Service. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.
2. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
3. Loudspeakers shall not be located outside the premises building.

**7. Delete and replace condition 18 with**

1. There shall be a minimum of 1 SIA door supervisors on duty at the premises at least 30 minutes prior to the closing until such time as all patrons have vacated the premises and dispersed.
2. On Thursdays, Fridays and Saturdays there shall be a minimum of 2 SIA door supervisors on duty at the premises from 22:00 until 30 minutes after closing or until such time all patrons have vacated the premises and dispersed.

**8. Delete and replace conditions 19 and 20 with**

No advertisements of any kind (including placard, poster, sticker, flyer, picture, letter, sign or other mark) that advertises or promotes the establishment, its premises, or any of its events, facilities, goods or services shall be inscribed or affixed upon the surface of the highway, or upon any building, structure, works, street furniture, tree, or any other property, or be distributed to the public.

**9. Delete and replace condition 22 with**

Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises

**10. Delete and replace condition 23 with**

1. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.

2. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.

**11. Delete and replace condition 25 with**

There shall be no striptease or nudity, and all persons shall be decently attired at all times, except when the premises are operating under the authority of a Sexual Entertainment Venue licence.

**12. Delete and replace condition 29 with**

The sale of alcohol must be ancillary to the use of the premises for music and dancing and/or substantial refreshment

**13. Delete and replace conditions 30, 31 and 32 with**

The premises may remain open for the sale of alcohol, regulated entertainment and the provision of late night refreshment from the terminal hour for those activities on New Year's Eve through to the commencement time for those activities on New Year's Day

**Following consideration of the application and how it may affect the Licensing Objectives and meeting the requirements of the Council's Statement of Licensing Policy I wish to make the following representations:**

1. Extending the terminal hours for the performance of dance; performance of live music and sale by retail of alcohol by 30 minutes on Monday to Wednesday may have the likely effect of causing an increase in Public Nuisance within the area

2. Extending the terminal hours for the performance of dance by 1 hour; performance of live music by 1 hour; late night refreshment by 1 hour and sale by retail of alcohol 1 hour 30 minutes on Thursday to Saturday may have the likely effect of causing an increase in Public Nuisance and may affect Public Safety within the area

3. Increasing the capacity in the basement floor by 20 persons may have the likely effect of causing an increase in Public Nuisance and may affect Public Safety

within the area

4. 4 – 13 No representation

Our records show that between June 2018 and October 2018, six public nuisance complaints associated with your premises were made by residents. On one of the six occasions, a council officer, assessing from within a complainant's home, was satisfied that the volume of music emanating from the premises amounted to a statutory nuisance. The fine details of the complaints shall be discussed further.

It is my view that, given the complaint history of the premises, there is insufficient information to address the concerns of Environmental Health and the granting of this application as presented would have the likely effect of causing an increase in Public Nuisance and may affect Public Safety within the area.

The applicant is asked to contact the undersigned to arrange a site visit/meeting to discuss the proposed changes and its wider implication on the licensing objectives of Public Nuisance and Public Safety.

**A summary of the noise complaints in respect of the premises between June 2018 and October 2018 appears at appendix 4**

<b>Responsible Authority:</b>	Metropolitan Police Service ( <i>Withdrawn</i> )
<b>Representative:</b>	PC Adam Deweltz
<b>Received:</b>	7 March 2019

With reference to the above, I am writing to inform you that the Metropolitan Police, as a Responsible Authority, will be making a representation against this application.

It is our belief that if granted the application would undermine the Licensing Objectives in relation to The Prevention of Crime and Disorder.

**Following discussions with the applicant, the Metropolitan Police withdrew their representation on 20 March 2019.**

2-B Interested Parties	
<b>Name:</b>	[REDACTED]
<b>Address and/or Residents Association:</b>	[REDACTED] [REDACTED] [REDACTED]
<b>Received:</b>	21 March 2019
I'm the owner and resident of [REDACTED] I would like to make a representation. I object on grounds of prevention of public nuisance and prevention of crime and disorder.	
<b>Name:</b>	[REDACTED]
<b>Address and/or Residents Association:</b>	[REDACTED] [REDACTED] [REDACTED]
<b>Received:</b>	21 March 2019
page 15	
I object as an immediate neighbour directly affected by the premise's noise which is at	

present already clearly audible within my flat both day- and night-time. On top of that a large number of customers gather in front of the premise blocking the path and creating additional nuisance.

**Name:**

[REDACTED]

**Address and/or Residents Association:**

[REDACTED]

**Received:**

3 March 2019

I am distraught to hear of the application to extend the licence of this premises, especially given the nuisance having been caused since the nightclub opened after the summer. We have made countless calls to the council at midnight, resulting in them often only calling back in the middle of the night. Many of us are working professionals within the neighbouring building who are getting their few hours of sleep terribly interrupted by music pulsating the whole side of the building, up to the top floors.

Before granting any extension I would plead with the officer to visit my apartment on ANY night of the week after 10.30pm and take some noise readings before deciding to extend.

I am 30-years old, I am not an old grumpy neighbour. I have been to Bagetelle before, but the can of worms that has been opened by Westminster to allow this premises to operate on this street, with so few restrictions has transformed the street for the worse. We now have illegally-operating valet parking, people peeing on doorsteps, shouting and screaming on the street whilst people are smoking outside.

**Name:**

[REDACTED]

**Address and/or Residents Association:**

[REDACTED]  
[REDACTED]  
[REDACTED]

**Received:**

21 March 2019

I write to make a relevant representation in my individual capacity as a resident of [REDACTED] [REDACTED] and on behalf of [REDACTED], objecting to the grant of an application to vary the premises licence for 34 Dover Street.

I note that the application seeks to extend the hours permitted for licensable activities and for the premises to be open to the public, and seeks to amend/delete a number of conditions.

This is of great concern to myself and my family. The number of premises operating late in the evening has increased in recent years, to the extent that late night licensed premises have cumulatively given rise to serious problems of crime, disorder and nuisance. Local residents have to bear the brunt of this.

The premises licence under which is currently operated is already well in excess of the City Council's 'core hours' policy HRS1.

I do not accept that the additional conditions proposed by the applicant mitigate the impact of the proposed extension of hours. I therefore object to the application on the basis that the likely effect of the application if granted will be to harm the licensing objectives of 'prevention of public nuisance'; 'prevention of crime and disorder'; 'public safety'; and 'protection of children from harm.'

The application will also increase the negative cumulative impact of late night licensed premises in the area.

Residents of Berkeley Street and Dover Street have been plagued in recent years by a huge increase in noise, nuisance, anti-social behaviour and other problems, caused by the number of late night licensed premises within a small area.

The licensing authority will be aware that this view is shared by others in the area. Indeed, a report has been produced by an independent consultant following a study of the evening and night time economy in parts of Mayfair and its impact on the statutory 'licensing

objectives'. The document can be accessed here:  
[https://www.westminster.gov.uk/sites/www.westminster.gov.uk/files/mayfair\\_evening\\_and\\_night-time\\_economy\\_behaviour\\_study.pdf](https://www.westminster.gov.uk/sites/www.westminster.gov.uk/files/mayfair_evening_and_night-time_economy_behaviour_study.pdf)

The extension of hours proposed would run directly contrary to this, and would act as an unfortunate precedent for the area.

I will provide more detail on my specific concerns in due course

I would like to make a representation in respect of the variation application for 34 Dover Street (ref: 19/02160/LIPV). I object on grounds of prevention of public nuisance and crime and disorder.

I'll be represented by Richard Brown for this objection.

<b>Name:</b>		[REDACTED]	
<b>Address and/or Residents Association:</b>		[REDACTED]	
<b>Status:</b>	Valid	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	23 March 2019		
<p>Please accept this email protesting /registering my discomfort on the proposals forward by the shared tenancy we have in the form of a massive restaurant- under and over me, adjoining the two buildings known as 33 dover and ? Berkeley Street.</p> <p>I live on the top floor and LEAVING aside all tenants experiencing more and more noise at night while trying to get to sleep in order to get to work refreshed . The summer is already unbearable with the windows open.</p> <p>I am now experiencing occasional infiltrating smells.</p> <p>Having had my skylight broken ( and replaced) and ceiling come down on more than one occasion, newly appearing cracks in my wall , a blocked sky light ( which wasn't presented until after the fact) I absolutely will refuse to have another one blocking my light well</p> <p>The owner spent who knows how much waiting for years until they got bullied whoever into giving permission for the monstrosity over my head. Its horrible to live below such a structure. Obviously food smell is unacceptable.</p> <p>When the oven is turning on the noise can be super loud - I am not sure how often this happens as I am mostly at work so the only times I hear it is on the weekends. It can sound like a siren and last longer than a minute - guessing if a buyer came through during that time there would be no sale.</p> <p>There are far too many late opening places. From what I read they are asking to not have to have music in order to serve alcohol until 1 am on a work night. Lovely. The place got permission to be a sophisticated piano bar. Something one doesn't associate with loud and unruly. And they want 2 am on a Thursday - also a work night - way too late</p> <p>The change from music and dancing etc - to OR substantial refreshment is a joke. All it does is take away the music factor. And they want 50% more people in there? Exactly WHAT ARE THEY PLANNING ON DOING? TURNING IT INTO A RAVE?</p> <p>Catering to people who only want to drink is not on. This is still an area where 5000 residents live. We do not need or want another bar - -</p> <p>Nor do we want an extra 50% capacity. I have been told they want to change the dover street side to add tables outside and a separate restaurant /bar. From the incredibly expensive FAILING upmarket nice restaurant and are scrambling to try and justify the huge outlay and very little return. It's not right to alter what was originally acceptable.</p> <p>Downgrading the property and everything around it. Someone needs to start saying no to turning what was a nice area in almost 24 hour party area.</p> <p>I have lived in Dover street since 2010 and on Hay Hill the next street over for the 14 years prior. I also own and operate a company in Mayfair and have since 2001. Please keep me informed as best you can. I am aware of the planning changes that have been made - some we fought but as always end up losing as who can compete with mega millionaires who can afford to fight and to wait.</p>			

### 3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
<b>Policy HRS1 applies:</b>	<p>(i) Applications for hours within the core hours set out below in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy.</p> <p>(ii) Applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other relevant policies.</p> <p><u>For premises for the supply of alcohol for consumption on the premises:</u>  Monday to Thursday: 10:00 to 23:30  Friday and Saturday: 10:00 to midnight  Sundays immediately prior to Bank Holidays: Midday to midnight  Other Sundays: Midday to 22:30</p> <p><u>For premises for the provision of other licensable activities:</u>  Monday to Thursday: 09:00 to 23.30  Friday and Saturday: 09:00 to midnight  Sundays immediately prior to Bank Holidays: 09:00 to midnight  Other Sundays: 09:00 to 22:30</p>
<b>Policy PB1 applies:</b>	Applications will only be granted if it can be demonstrated that the proposal meets the relevant criteria in Policies CD1, PS1, PN1 and CH1.

### 4. Equality Implications

The Council in its capacity as Licensing Authority has a duty to have regard to its public sector equality duty under section 149 of the Equality Act 2010. In summary, section 149 provides that a Public Authority must, in the exercise of its functions, have due regard to the need to:

- (a) eliminate discrimination harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- (c) foster good relations between persons who share a relevant protected characteristics and persons who do not share it.

Section 149 (7) of the Equality Act 2010 defines the relevant protected characteristics as age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

## 5. Appendices

<b>Appendix 1</b>	Current Premises Licence
<b>Appendix 2</b>	Applicant supporting documents
<b>Appendix 3</b>	Premises history
<b>Appendix 4</b>	Summary of Noise Complaints
<b>Appendix 5</b>	Proposed conditions
<b>Appendix 6</b>	Residential map and list of premises in the vicinity

<b>Report author:</b>	Kevin Jackaman Senior Licensing Officer
<b>Contact:</b>	Telephone: 0207 641 8094 Email: kjackaman@westminster.gov.uk

**If you have any queries about this report or wish to inspect one of the background papers please contact the report author.**

### **Background Documents – Local Government (Access to Information) Act 1972**

<b>1</b>	Licensing Act 2003	N/A
<b>2</b>	City of Westminster Statement of Licensing Policy	7 <sup>th</sup> January 2016
<b>3</b>	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2019
<b>4</b>	Environmental Health Service Representation	6 March 2019
<b>5</b>	Metropolitan Police Service Representation <i>(Withdrawn)</i>	7 March 2019
<b>6</b>	Resident Representation 1	21 March 2019
<b>7</b>	Resident Representation 2	21 March 2019
<b>8</b>	Resident Representation 3	3 March 2019
<b>9</b>	Resident Representation 4	21 March 2019
<b>10</b>	Resident Representation 5	23 March 2019

# Current Premises Licence

# Appendix 1



Schedule 12  
Part A

WARD: West End  
UPRN: 010033533513

## City of Westminster

Premises licence

Regulation 33, 34

Premises licence number:

18/04123/LIPVM

Original Reference:

05/10050/LIPC

### Part 1 – Premises details

#### Postal address of premises:

Bagatelle  
Basement And Ground Floor  
Dover House  
34 Dover Street  
London  
W1S 4NG

Telephone Number: Not supplied

#### Where the licence is time limited, the dates:

Not applicable

#### Licensable activities authorised by the licence:

Performance of Dance  
Performance of Live Music  
Playing of Recorded Music  
Anything of a similar description to Live Music, Recorded Music or Performance of Dance  
Late Night Refreshment  
Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit  
Sale by Retail of Alcohol

#### The times the licence authorises the carrying out of licensable activities:

##### Performance of Dance

Monday to Wednesday: 09:00 to 00:30  
Thursday to Saturday: 09:00 to 01:00  
Sunday: 09:00 to 00:00

##### Performance of Live Music

Monday to Wednesday: 09:00 to 00:30  
Thursday to Saturday: 09:00 to 01:00  
Sunday: 09:00 to 00:00

##### Playing of Recorded Music

Unrestricted

##### Anything of a similar description to Live Music, Recorded Music or Performance of Dance

Monday to Wednesday: 09:00 to 00:30



Thursday to Saturday: 09:00 to 01:00  
Sunday: 09:00 to 00:00

**Late Night Refreshment**

Monday to Saturday: 23:00 to 01:00  
Sunday: 23:00 to 00:30

**Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit Unrestricted**

**Sale by Retail of Alcohol**

Monday to Saturday: 10:00 to 00:30  
Sunday: 12:00 to 00:00

*For times authorised for Christmas, New Year and Good Friday see conditions at Annex 1*

**The opening hours of the premises:**

Monday - Saturday: 09:00 to 01:00  
Sunday: 09:00 to 00:30

**Where the licence authorises supplies of alcohol, whether these are on and/or off supplies:**

Alcohol is supplied for consumption both on and off the Premises.

**Part 2**

**Name, (registered) address, telephone number and email (where relevant) of holder of premises licence:**

Bagatelle Dover Street Limited  
14 Hanover Square  
London  
W1S 1HP

**Registered number of holder, for example company number, charity number (where applicable)**

07936072

**Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol:**

**Name:** Mr Gregorio Lordi

***Please note: It is the policy of the Licensing Authority not to display the address details of a designated premises supervisor.***

**Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol:**

**Licence Number:** 05/08882/LIPERS  
**Licensing Authority:** City Of Westminster Council

--

Date: \_\_\_\_\_16 July 2018\_\_\_\_\_

**This licence has been authorised by Miss Susan Patterson on behalf of the Director -  
Public Protection and Licensing.**

## Annex 1 – Mandatory conditions

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
  - (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
  - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises
    - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
      - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
      - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
    - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
    - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
    - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
    - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6.
  - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
  - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either -
  - (a) a holographic mark, or
  - (b) an ultraviolet feature.

7. The responsible person must ensure that –

- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures -
  - (i) beer or cider: ½ pint;
  - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
  - (iii) still wine in a glass: 125 ml;
- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

A responsible person in relation to a licensed premises means the holder of the premise licence in respect of the premises, the designated premises supervisor (if any) or any individual aged 18 or over who is authorised by either the licence holder or designated premises supervisor. For premises with a club premises certificate, any member or officer of the club present on the premises in a capacity that which enables him to prevent the supply of alcohol.

- 8 (i) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
- (ii) For the purposes of the condition set out in paragraph 8(i) above -
  - (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
  - (b) "permitted price" is the price found by applying the formula -
 
$$P = D + (D \times V)$$
 Where -
    - (i) P is the permitted price,
    - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
    - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
  - (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -

- (i) the holder of the premises licence,
  - (ii) the designated premises supervisor (if any) in respect of such a licence, or
  - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
- (iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- (iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.
9. All persons guarding premises against unauthorised access or occupation or against outbreaks of disorder or against damage (door supervisors) must be licensed by the Security Industry Authority.

**Conditions reproducing the effect of conditions subject to which the relevant existing licences have effect**

**Conditions relating to regulated entertainment**

10. This licence is subject to all the former Rules of Management for Places of Public Entertainment licensed by Westminster City Council, in force from 4 September 1998 and incorporating amendments agreed by the Council on 25 October 1999, 30 June 2000, 16 January 2001 and 1 October 2001.
11. Notwithstanding the provisions of Rule of Management No. 6 the premises may remain open for the purposes of this licence from 23:00 to midnight on Mondays and from 23:00 on each of the days Monday to Wednesday to 00:30am on the days following, from 23:00 on each of the days Thursday to Saturday to 01:00am on the day following and from 23:00 to midnight on Sundays.
12. On New Year's Eve the premises can remain open for the purpose of providing regulated entertainment from the time when the provision of regulated entertainment must otherwise cease on New Year's Eve to the time when regulated entertainment can commence on New Year's Day (or until midnight on New Year's Eve where no regulated entertainment takes place on New Year's Day).
13. The entertainment provided at the premises shall be of the type commonly known as DISCO Recorded Music and Live Bands.
14. The entertainment authorised under this licence shall remain ancillary to the main use of the premises as a restaurant.

15. A sound limiting device shall be located in a separate and remote lockable cabinet from the volume control must be fitted to the musical amplification system set at a level determined by and to the satisfaction of a authorised officer of the Environmental Health Services Community Protection Department so as to ensure that no noise nuisance is caused to local residents. The operational panel of the noise limiter shall then be secured to the satisfaction officer from the Environmental Health Service. The keys securing the noise limiter cabinet shall be held by the applicant only, and shall not be accessed by any other persons. The limiter shall not be altered without the prior agreement with the Environmental Health Service.
16. No alteration or modification to any existing sound system(s) should be effected without the prior knowledge of an authorised officer of the Environmental Health Service.
17. Any additional sound generating equipment shall not be used on the premises without being routed through the sound limiter device.
18. A door supervisor shall remain outside the main exit of the premises at least 30 minutes prior to the closing until such time as all patrons have vacated the premises and dispersed.
19. All refuse is paid for, properly presented and cannot be left on the highway for more than 2.5 hours.
20. No unauthorised advertisements of any kind (including placard, poster, sticker, flyer, picture, letter, sign or other mark) is affixed upon the surface of the highway, or upon any building structure, works, street furniture, tree, or other property, or is distributed on street to the public, that advertises or promotes the establishment, its premises, or any of its events, facilities, goods or services.
21. The maximum number of persons accommodated at any one time in the basement (excluding staff) shall not exceed: Ground Floor: 220 Basement: 190

#### **Conditions related to sale of alcohol**

**(Applies to such parts of the basement and ground floor as are shown more particularly coloured and edged in red on the deposited plan)**

22. Substantial food and suitable beverages other than intoxicating liquor (including drinking water) shall be available during the whole of the permitted hours in all parts of the premises where intoxicating liquor is sold or supplied.
23. A closed circuit television shall be installed, maintained and operated correctly as specified by the Metropolitan Police Crime prevention officer.
25. No striptease, no nudity and all persons on the premises to be decently attired.
26. There shall be no payment made by or on behalf of the licensees to any person for bringing customers to the premises.
27. No gaming otherwise than by machines authorised under part III, Gaming Act, 1968.
28. The maximum numbers of persons, including staff, to be present in the licensed premises shall not exceed the numbers specified from time to time by the proper officer of the London Fire and Civil Defence Authority. The numbers currently specified: As to the basement 190 persons; As to the ground floor 220 persons.

**Conditions which reproduce the effect of any restriction imposed on the use of the premises by specified enactments**

29. (a) Subject to the following paragraphs, the permitted hours on weekdays shall commence at 10:00 and extend until 00:30 on the morning following, except that -

- (i) the permitted hours shall end at 00:00 midnight on any day on which music and dancing is not provided after midnight; and
- (ii) on any day that music and dancing end between 00:00 midnight and 00:30, the permitted hours shall end when the music and dancing end;
- (b) The permitted hours on Sundays shall extend until 00:00.
- (c) The sale of alcohol must be ancillary to the use of the premises for music and dancing and substantial refreshment.
- (d) The permitted hours on New Year's Eve will extend to the start of permitted hours on the following day.

NOTE - The above restrictions do not prohibit:

- (a) during the first thirty minutes after the above hours the consumption of the alcohol on the premises;
- (b) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
- (c) the sale or supply of alcohol to or the consumption of alcohol by any person residing in the licensed premises;
- (d) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- (e) the sale of alcohol to a trader or registered club for the purposes of the trade or club;
- (f) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of her Majesty's naval, military or air forces;
- (g) the taking of alcohol from the premises by a person residing there;
- (h) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied;
- (i) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

In this condition, any reference to a person residing in the premises shall be construed as including a person not residing there but carrying on or in charge of the business on the premises.

30. No person under fourteen shall be in the bar of the licensed premises during the permitted hours unless one of the following applies:

- (a) He is the child of the holder of the premises licence.
- (b) He resides in the premises, but is not employed there.
- (c) He is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress.
- (d) The bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancillary.

In this condition "bar" includes any place exclusively or mainly used for the consumption of intoxicating liquor. But an area is not a bar when it is usual for it to be, and it is, set apart for the service of table meals and alcohol is only sold or supplied to persons as an ancillary to their table meals.

31. If any entertainment is provided for children or if an entertainment is provided at which the majority of persons attending are children, then, if the number of children attending the entertainment exceeds 100, it shall be the duty of the holder of the premises licence (or the holder of the club premises certificate):
- (a) to station and keep stationed wherever necessary a sufficient number of adult attendants, properly instructed as to their duties, to prevent more children or other persons being admitted to the building, or to any part thereof, than the building or part can properly accommodate,
  - (b) to control the movement of the children and other persons admitted while entering and leaving the building or any part thereof, and
  - (c) to take all other reasonable precautions for the safety of the children.
32. The terminal hour for late night refreshment on New Year's Eve is extended to 05:00 on New Year's Day.



## **Annex 2 – Conditions consistent with the operating Schedule**

33. The maximum number of persons (excluding staff) within the premises shall not exceed:-

Ground Floor 150 persons

Basement 40 persons

Correct as at 2018 18/04123/LIPVM

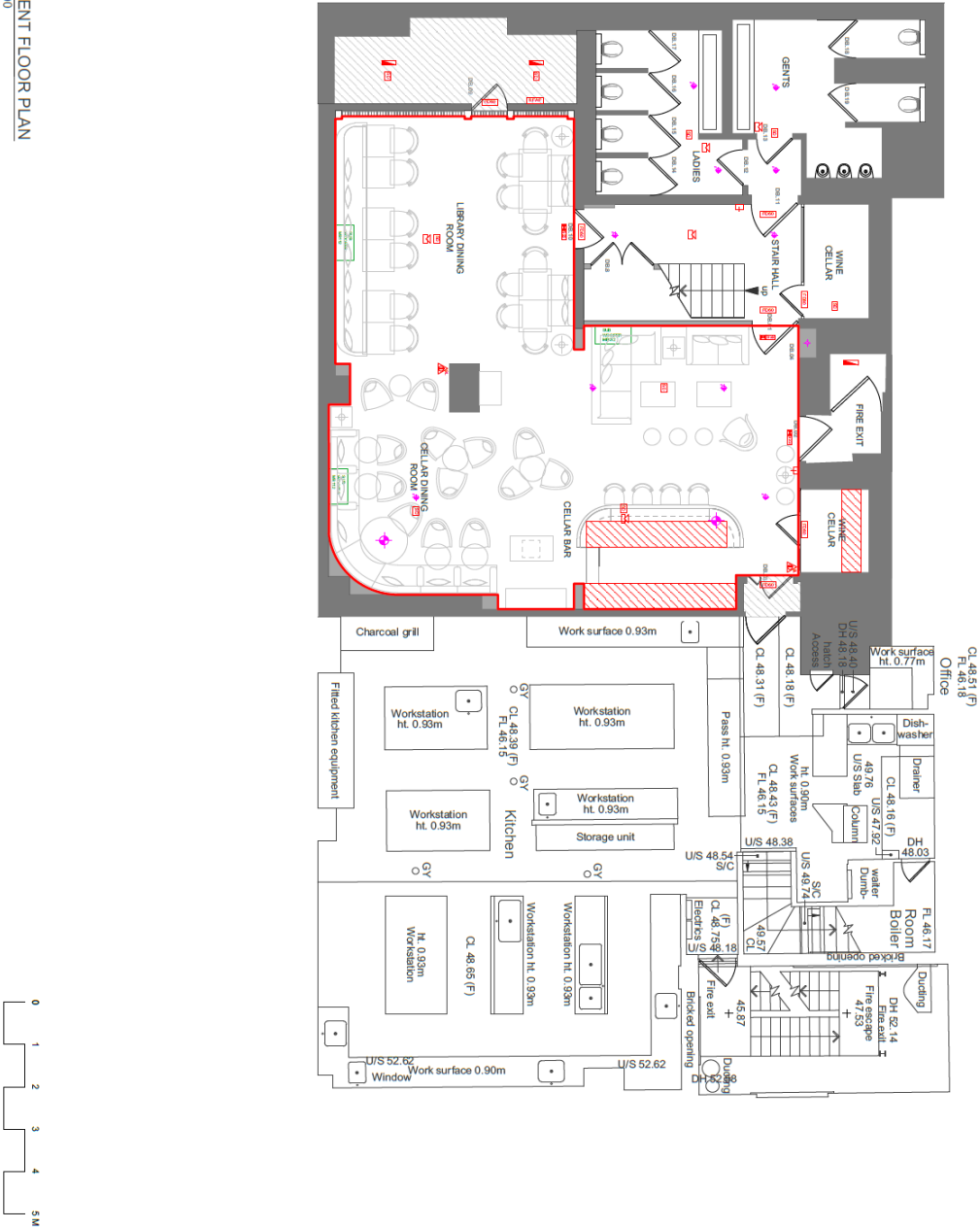
**Annex 3 – Conditions attached after a hearing by the licensing authority**

None

# Annex 4 – Plans

## Attached

**BASEMENT FLOOR PLAN**  
Scale: 1:100



### General Notes

1. Loose furniture is indicative only
2. All reversible activities occur within the red line

**ELECTRICAL LEGEND**

- General Lighting
- Emergency Lighting
- Fire Alarm
- Fire Alarm Control Panel
- Fire Alarm Sounder
- Fire Alarm Call Point
- Fire Alarm Control Panel
- Fire Alarm Sounder
- Fire Alarm Call Point
- Fire Alarm Control Panel
- Fire Alarm Sounder
- Fire Alarm Call Point

REV	DATE	DESCRIPTION
A	17.04.18	ISSUED FOR INFORMATION
	12.04.18	ISSUED FOR INFORMATION

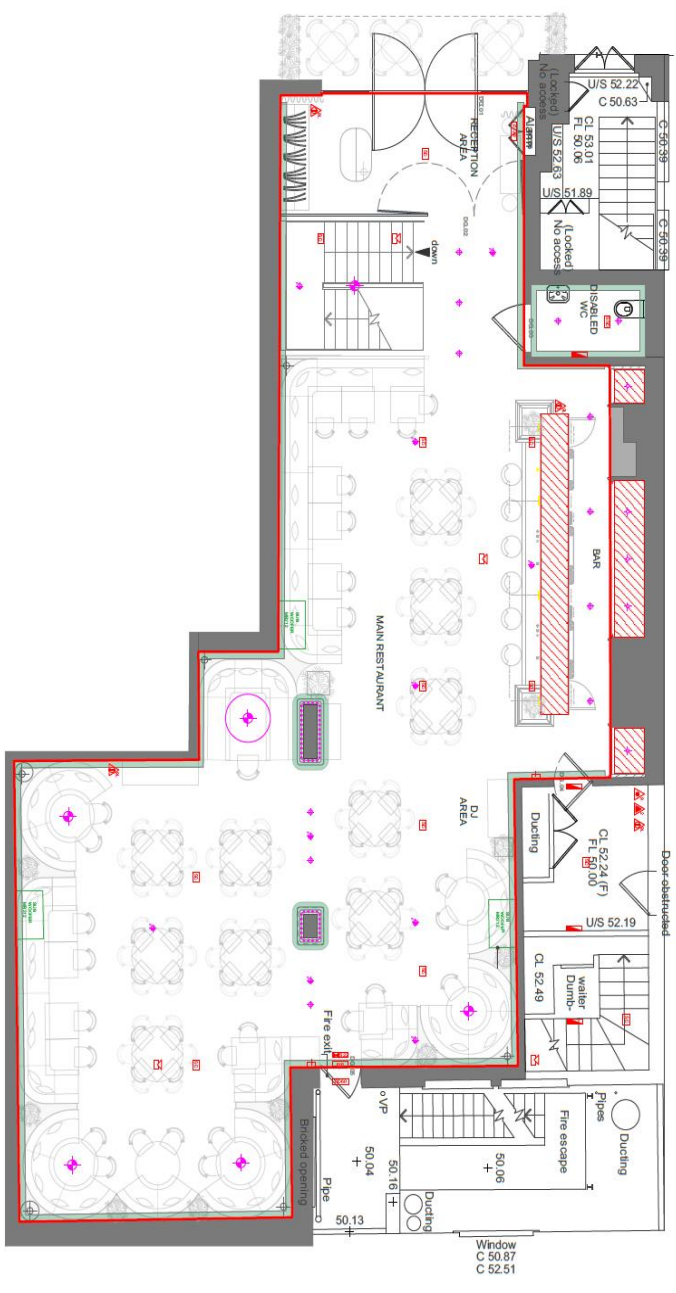
**LAMBART & BROWNE**

B

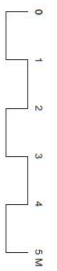
First Floor is 3rd Floor. Second Floor is 4th Floor. Third Floor is 5th Floor.

<b>CLIENT</b>	Bagatelle
<b>PROJECT</b>	Bagatelle, London
<b>DESIGNER</b>	Licensing Plan BASEMENT
<b>ORIGINAL SIZE</b>	A3
<b>DATE</b>	Apr 2018
<b>APPROVED</b>	TBC
<b>PROJECT INFORMATION</b>	DRYDEN TUCKER BL/CO/1

Do not create this drawing. Use signed drawings only. Verify all dimensions on this station concerning any work or shop drawings. Inform the architect before any work starts if this drawing exceeds the quantities in anyway.



GROUND FLOOR PLAN  
Scale: 1:100



- General Notes**
- Loose furniture is indicative only
  - All licensable activities occur within the red line

**REVISIONS**

NO.	DATE	DESCRIPTION
1	17-04-18	ISSUED FOR INFORMATION
2	12-04-18	ISSUED FOR INFORMATION



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 Floor Plans & Site Plans  
 www.lambartandbrowne.com  
 0207 042850

<b>CLIENT</b>	Bagatelle
<b>PROJECT</b>	Bagatelle, London
<b>CONTRACT</b>	Licensing Plan GROUND FLOOR
<b>ORIGINAL SIZE</b>	A3
<b>SCALE</b>	1:100
<b>DATE</b>	Apr 2018
<b>PROJECT NO.</b>	TBC
<b>PROJECT NAME</b>	BULP02

This is a preliminary drawing. It is not to be used for construction without the client's permission. Verify all dimensions on site before commencing any work or shop drawings. Inform the architect before any work starts if the drawing exceeds the quantities in any way.



Premises licence number:

18/04123/LIPVM

**Part 1 – Premises details**

**Postal address of premises:**

Bagatelle  
Basement And Ground Floor  
Dover House  
34 Dover Street  
London  
W1S 4NG

**Telephone Number:** Not supplied

**Where the licence is time limited, the dates:**

Not applicable

**Licensable activities authorised by the licence:**

Performance of Dance  
Performance of Live Music  
Playing of Recorded Music  
Anything of a similar description to Live Music, Recorded Music or Performance of Dance  
Late Night Refreshment  
Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit  
Sale by Retail of Alcohol

**The times the licence authorises the carrying out of licensable activities:**

**Performance of Dance**

Monday to Wednesday: 09:00 to 00:30  
Thursday to Saturday: 09:00 to 01:00  
Sunday: 09:00 to 00:00

**Performance of Live Music**

Monday to Wednesday: 09:00 to 00:30  
Thursday to Saturday: 09:00 to 01:00  
Sunday: 09:00 to 00:00

**Playing of Recorded Music**

**Unrestricted**

**Anything of a similar description to Live Music, Recorded Music or Performance of Dance**

Monday to Wednesday: 09:00 to 00:30  
Thursday to Saturday: 09:00 to 01:00  
Sunday: 09:00 to 00:00

**Late Night Refreshment**

Monday to Saturday: 23:00 to 01:00  
Sunday: 23:00 to 00:30

**Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit Unrestricted**

**Sale by Retail of Alcohol**

Monday to Saturday: 10:00 to 00:30  
Sunday: 12:00 to 00:00

***For times authorised for Christmas, New Year and Good Friday see conditions at Annex 1***

**The opening hours of the premises:**

Monday - Saturday: 09:00 to 01:00  
Sunday: 09:00 to 00:30

**Where the licence authorises supplies of alcohol, whether these are on and/or off supplies:**

Alcohol is supplied for consumption both on and off the Premises.

**Name and (registered) address of holder of premises licence:**

Bagatelle Dover Street Limited  
14 Hanover Square  
London  
W1S 1HP

**Registered number of holder, for example company number, charity number (where applicable)**

07936072

**Name of designated premises supervisor where the premises licence authorises for the supply of alcohol:**

**Name:** Mr Gregorio Lordi

**State whether access to the premises by children is restricted or prohibited:**

Restricted

Date: \_\_\_\_\_ 16 July 2018 \_\_\_\_\_  
page 34

**Applicant Supporting Documents**

**Appendix 2**

None submitted

### Licence & Appeal History

<b>Application</b>	<b>Details of Application</b>	<b>Date Determined</b>	<b>Decision</b>
<b>05/10050/LIPC</b>	Converted Licence	<b>3 October 2005</b>	Granted under Delegated Authority
06/05818/WCCMAP	Master Licence	3 October 2005	Granted under Delegated Authority
07/12130/LIPT	Transfer from Cafe Bollywood (UK) Limited to 17 Berkeley Street Limited	18 December 2007	Granted under Delegated Authority
07/12131/LIPDPS	Variation of Designated Premises Supervisor	18 December 2007	Granted under Delegated Authority
11/08403/LIPT	Transfer to Licensed Solutions Limited	14 October 2011	Granted under Delegated Authority
11/08419/LIPDPS	Variation of Designated Premises Supervisor	14 October 2011	Granted under Delegated Authority
12/07562/LIPT	Transfer to Quattro Passi Ltd (change of name to Bagatelle Dover Street Limited 11 October 2017)	16 October 2012	Granted under Delegated Authority
13/01347/LIPV	Variation of the Premises Licence to vary the layout and amend conditions	13 May 2013	Granted under Delegated Authority
14/01434/LIPDPS	Variation of Designated Premises Supervisor	7 March 2014	Granted under Delegated Authority
15/01364/LIPDPS	Variation of Designated Premises Supervisor	13 April 2015	Granted under Delegated Authority
18/03948/LIPDPS	Variation of Designated Premises Supervisor	29 April 2018	Granted under Delegated Authority
18/04123/LIPVM	Minor Variation of the Premises Licence to vary the layout and amend conditions	21 May 2018	Granted under Delegated Authority



18/09432/LITENP	Temporary Event Notice	25 August 2018	N/A
18/10380/LITENP	Temporary Event Notice	23 September 2018	N/A
18/11000/LITENP	Temporary Event Notice	30 September 2018	N/A
18/11001/LITENP	Temporary Event Notice	7 October 2018	N/A
18/11005/LITENP	Temporary Event Notice	14 October 2018	N/A
18/11004/LITENP	Temporary Event Notice	21 October 2018	N/A
18/11007/LITENP	Temporary Event Notice	28 October 2018	N/A
18/12160/LITENP	Temporary Event Notice	1 November 2018	N/A
18/12451/LITENP	Temporary Event Notice	4 November 2018	N/A
18/12801/LITENP	Temporary Event Notice	11 November 2018	N/A
18/13064/LITENP	Temporary Event Notice	17 November 2018	N/A
18/13066/LITENP	Temporary Event Notice	24 November 2018	N/A
18/13068/LITENP	Temporary Event Notice	1 December 2018	N/A
18/13069/LITENP	Temporary Event Notice	8 December 2018	N/A
18/13070/LITENP	Temporary Event Notice	15 December 2018	N/A
19/00148/LITENP	Temporary Event Notice	20 January 2019	N/A
19/00149/LITENP	Temporary Event Notice	27 January 2019	N/A
19/00150/LITENP	Temporary Event Notice	3 February 2019	N/A
19/00152/LITENP	Temporary Event Notice	10 February 2019	N/A
19/00153/LITENP	Temporary Event Notice	17 February 2019	N/A
19/00154/LITENP	Temporary Event Notice	24 February 2019	N/A

19/02236/LITENP	Temporary Event Notice	2 March 2019	N/A
19/02245/LITENP	Temporary Event Notice	9 March 2019	N/A
19/02491/LITENP	Temporary Event Notice	16 March 2019	N/A
19/02818/LITENP	Temporary Event Notice	23 March 2019	N/A
19/03151/LITENP	Temporary Event Notice	30 March 2019	N/A
19/03465/LITENP	Temporary Event Notice	6 April 2019	N/A
19/03753/LITENP	Temporary Event Notice	13 April 2019	N/A

**There is no appeal history**

## Basement & Ground Floor

### 34 Dover Street

#### UNIFORM noise complaint history from June 2018

(Compiled by Dave Nevitt 16.4.2019)

1. 18/16704/ENC45 02.06.2018 00:10

*'Caller has complained regarding a music noise issue coming from the club Bagatell at the named address'*

**Officer notes:** Visit 0100hrs – premises closed. No noise.

2. 18/17478/ENC45 07.06.2018 23:35

*'Loud club music from BAGATELLE LONDON'*

**Officer notes:** 08/06/18 at 23:55 by pgreen

TC (tel call to complainant) who said premises was a new club and that music could be heard in his flat. Licensed until 0100 and would not have enough time to visit as jobs have accumulated. Advised to ring earlier.

3. 18/17681/ENC45 09.06.2018 19:49

*'Tenant called to report loud music coming from Bagatelle on Dover Street'*

**Officer notes:** 09/06/18 at 20:10 by dstewart

Customer says premises plays loud music - gets worse as night progresses. Agreed to visit around 2300 as requested.

Visited at 23.50. VLM clearly audible from the premises in customers bedroom. Music very bassy in nature and was identical to the music emanating from Bagatelle. Attended Bagatelle and spoke to General Manager - [REDACTED]. Advised of the complaint. Premises is operated by Bagatelle London Dover Street Ltd. Emailed Sharif as follows: Sharif

*Please accept this email as confirmation that during my visit at 2350 on 9th June 2018 to a complainant's home, I found the volume of music emanating from Bagatelle (particularly the bass) to be excessive and a statutory nuisance in the customer's home.*

I would ask that within 7 days you provide proposals to remedy the situation. You should consider the best practicable means to resolve the problem and provide me with an accurate timescale for the proposed works. If I do not receive your proposals within 7 days from the date of this email (or if your proposals are unsatisfactory), I will serve a noise nuisance abatement notice under Section 80 of the Environmental Protection Act 1990. If however your proposals are satisfactory and meet best

practicable means and the timescale for their implementation is satisfactory, I may elect not to serve an abatement notice.

In any event I would ask that you take immediate steps to control the level of music to prevent nuisance being caused to neighbours.

I await your response.

Regards

[REDACTED]

**4. 18/19947/ENC45 30.06.2018 00:36**

*'Club Music being played.'*

**Officer notes:**

\*\*\* [REDACTED] - 30-06-2018 01:00:08 - Initial 45 minute response

Telephone call, noise ongoing, visit arranged.\*\*\*

\*\*\* [REDACTED] - 30-06-2018 02:15:19 - Initial visit made

Visited but no noise.\*\*\*

**5. 18/28155/ENRE45 05.09.2018 22:40**

*'Caller has reported a noise issue coming from the club Bagatelle on the named street, the caller requires a call back'*

**Officer notes:**

\*\*\* [REDACTED] - 05-09-2018 23:10:44 - Initial 45 minute response

Telephone call, noise stopped.\*\*\*

\*\*\* [REDACTED] - 05-09-2018 23:33:02 - Visit not required

Customer advised me that music had stopped. Passd on to Licencing team for further investigation\*\*\*

**6. 18/33888/ENC45 25.10.2018 22:37**

*'Loud Amplified Music'*

**Officer notes:** 26/10/18 at 00:36 by slutaay

cpt wanted to go to bed so no visit to his premises, to visit source

visit-noise stopped, advice given

**CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE AND CONDITIONS PROPOSED BY A PARTY TO THE HEARING**

When determining an application for a new premises licence under the provisions of the Licensing Act 2003, the licensing authority must, unless it decides to reject the application, grant the licence subject to the conditions which are indicated as mandatory in this schedule.

At a hearing the licensing authority may, in addition, and having regard to any representations received, grant the licence subject to such conditions which are consistent with the operating schedule submitted by the applicant as part of their application, or alter or omit these conditions, or add any new condition to such extent as the licensing authority considers appropriate for the promotion of the licensing objectives.

This schedule lists those conditions which are consistent with the operating schedule, or proposed as appropriate for the promotion of the licensing objectives by a responsible authority or an interested party as indicated. These conditions have not been submitted by the licensing service but reflect the positions of the applicant, responsible authority or interested party and have not necessarily been agreed

Conditions: On Current Licence -

Mandatory:

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
  - (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
  - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
    - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
      - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
      - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
    - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;

- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
  - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
  - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
- (a) a holographic mark, or
  - (b) an ultraviolet feature.
7. The responsible person must ensure that—
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
    - (i) beer or cider: ½ pint;
    - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
    - (iii) still wine in a glass: 125 ml;
  - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
  - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

A responsible person in relation to a licensed premise means the holder of the premise licence in respect of the premises, the designated premises supervisor (if any) or any individual aged 18 or over who is authorised by either the licence holder or designated premises supervisor. For premises with a club premises certificate, any member or officer

of the club present on the premises in a capacity that which enables him to prevent the supply of alcohol.

8(i) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

8(ii) For the purposes of the condition set out in paragraph 8(i) above -

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(b) "permitted price" is the price found by applying the formula -

$$P = D+(D \times V)$$

Where -

(i) P is the permitted price,

(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

8(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

## **Annex 2 – Conditions consistent with the operating Schedule**

**None**

## **Annex 3 – Conditions attached after a hearing by the licensing authority**

## Conditions proposed by the applicant to be added to the operating schedule of the licence

9. Any special effects or mechanical installations shall be arranged and stored so as to minimise any risk to the safety of those using the premises. The following special effects will only be used on 10 days prior notice being given to the Licensing Authority where consent has not previously been given.
  - dry ice and cryogenic fog
  - smoke machines and fog generators
  - pyrotechnics including fireworks
  - firearms
  - lasers
  - explosives and highly flammable substances.
  - real flame.
  - strobe lighting
10. No person shall give at the premises any exhibition, demonstration or performance of hypnotism, mesmerism or any similar act or process which produces or is intended to produce in any other person any form of induced sleep or trance in which susceptibility of the mind of that person to suggestion or direction is increased or intended to be increased.

NOTE: (1) This rule does not apply to exhibitions given under the provisions of Section 2(1A) and 5 of the Hypnotism Act 1952
11. The approved arrangements at the premises, including means of escape provisions, emergency warning equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order.
12. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.
13. All emergency doors shall be available at all material times without the use of a key, code, card or similar means.
14. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device
15. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
16. Curtains and hangings shall be arranged so as not to obstruct emergency safety signs or emergency equipment.
17. All fabrics, curtains, drapes and similar features including materials used in finishing and furnishing shall be either non-combustible or be durably or inherently flame-retarded fabric. Any fabrics used in escape routes (other than foyers), entertainment areas or function rooms, shall be non-combustible.
18. Flashing or particularly bright lights on or outside the premises shall not cause a nuisance to nearby properties, save insofar as they are necessary for the prevention of crime
19. The entertainment authorised under this licence shall remain ancillary to the main use of the premises as a restaurant.



20. A noise limiter must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service, Premises Management so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of officers from the Environmental Health Service and access shall only be by persons authorised by the Premises Licence holder. The limiter shall not be altered without prior agreement with the Environmental Health Service. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised Officer of the Environmental Health Service. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.
21. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
22. Loudspeakers shall not be located outside the premises building.
23. There shall be a minimum of 1 SIA door supervisors on duty at the premises at least 30 minutes prior to the closing until such time as all patrons have vacated the premises and dispersed
24. On Thursdays, Fridays and Saturdays there shall be a minimum of 2 SIA door supervisors on duty at the premises from 22:00 until 30 minutes after closing or until such time all patrons have vacated the premises and dispersed.
25. No advertisements of any kind (including placard, poster, sticker, flyer, picture, letter, sign or other mark) that advertises or promotes the establishment, its premises, or any of its events, facilities, goods or services shall be inscribed or affixed upon the surface of the highway, or upon any building, structure, works, street furniture, tree, or any other property, or be distributed to the public
26. The maximum number of persons accommodated at any one time in the basement (excluding staff) shall not exceed: Ground Floor: 220 Basement: 190
27. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
28. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
29. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
30. There shall be no striptease or nudity, and all persons shall be decently attired at all times, except when the premises are operating under the authority of a Sexual Entertainment Venue licence.

31. There shall be no payment made by or on behalf of the licensees to any person for bringing customers to the premises.
32. The maximum numbers of persons, including staff, to be present in the licensed premises shall not exceed the numbers specified from time to time by the proper officer of the London Fire and Civil Defence Authority. The numbers currently specified: As to the basement 190 persons; As to the ground floor 220 persons.
33. The sale of alcohol must be ancillary to the use of the premises for music and dancing and/or substantial refreshment.
34. The premises may remain open for the sale of alcohol, regulated entertainment and the provision of late night refreshment from the terminal hour for those activities on New Year's Eve through to the commencement time for those activities on New Year's Day.
35. The maximum number of persons (excluding staff) within the premises shall not exceed:-  
Ground Floor 150 persons  
Basement 60 persons
36. There shall be no entry or re-entry (save for customers who have left for smoking) to the premises after 01:00.
37. The premises licence holder shall ensure that any patrons smoking outside the premises do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway
38. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.
39. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
  - a. all crimes reported to the venue
  - b. all ejections of patrons
  - c. any complaints received
  - d. any incidents of disorder
  - e. all seizures of drugs or offensive weapons
  - f. any faults in the CCTV system or searching equipment or scanning equipment
  - g. any refusal of the sale of alcohol
  - h. any visit by a relevant authority or emergency service.
40. Notices shall be prominently displayed at the exit requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
41. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.



Resident Count: 97

**Premises within a 75m radius of 34 Dover Street, London, W1**

Licence Number	Trading Name	Address	Premises Type	Time Period
18/04123/LIPVM	Bagatelle	Basement And Ground Floor Dover House 34 Dover Street London W1S 4NG	Restaurant	Monday; 09:00 - 01:00   Tuesday; 09:00 - 01:00   Wednesday; 09:00 - 01:00   Thursday; 09:00 - 01:00   Friday; 09:00 - 01:00   Saturday; 09:00 - 01:00   Sunday; 09:00 - 00:30
19/03195/LIPVM	(Restaurant)	Ground Floor 33 Dover Street London W1S 4NF	Public house or pub restaurant	Monday to Friday; 07:00 - 03:00   Saturday; 08:00 - 03:00   Sunday; 10:00 - 23:30   Sundays before Bank Holidays; 10:00 - 01:00

17/08546/LIPV	Aubaine	Part Basement And Ground Floor North 31 Dover Street London W1S 4ND	Restaurant	Monday to Saturday; 10:00 - 01:30   Sunday; 12:00 - 00:30
19/00570/LIPCH	Park Chinois	Basement And Ground Floor 17 Berkeley Street London W1J 8EA	Restaurant	Monday to Saturday; 08:00 - 02:00   Sunday; 10:00 - 00:00
18/10967/LIPDPS	Charlie Berkeley Club	15 - 16 Berkeley Street London W1J 8DY	Restaurant	Monday to Saturday; 09:00 - 03:30   Sunday; 12:00 - 23:00
15/04742/LIPDPS	Nobu Berkeley	Ground Floor 15 Berkeley Street London W1J 8DY	Restaurant	Monday to Saturday; 09:00 - 02:30   Sunday; 12:00 - 00:00
17/01368/LIPVM	Bocconcino	19 Berkeley Street London W1J 8ED	Restaurant	Monday to Saturday; 10:00 - 00:30   Sunday; 12:00 - 22:30
18/02716/LIPDPS	Socialista	15A Hay Hill London W1J 8NX	Night clubs and discos	Monday to Saturday; 09:00 - 03:30   Sunday; 12:00 - 23:00
14/11209/LIPDPS	Chucs Bar & Grill	30B Dover Street London W1S 4NB	Restaurant	Monday to Thursday; 07:00 - 00:00   Friday to Saturday; 07:00 - 00:30   Sunday; 07:00 - 23:00   Sundays before Bank Holidays; 07:00 - 00:00
18/06614/LIPCH	Casa Di Stefano	20 Dover Street London W1S 4LU	Restaurant	Monday to Wednesday; 10:00 - 00:30   Thursday to Saturday; 10:00 - 01:30   Sunday; 12:00 - 00:00
13/03549/LIPDPS	The Fleming Collection	13 Berkeley Street London W1J 8DU	Museums & Art Galleries	Tuesday to Saturday; 10:00 - 17:30
06/07776/WCCMAP	Browns Hotel	30 Albemarle Street London W1S 4BP	Hotel, 4+ star or major chain	Monday to Sunday; 00:00 - 00:00

17/01674/LIPT	Cafe Pushkin	20 Berkeley Street London W1J 8EE	Restaurant	Monday to Wednesday; 07:00 - 23:30   Thursday to Saturday; 07:00 - 00:00   Sunday; 08:00 - 23:00
18/03385/LIPN	Caffe Rei	3 Hay Hill London W1J 6AS	Cafe	Monday to Saturday; 07:30 - 19:30
16/01829/LIPN	Raw And BBQ Basement And Part Ground Floor	11 Berkeley Street London W1J 8DS	Restaurant	Monday to Thursday; 09:00 - 23:30   Friday to Saturday; 09:00 - 00:00   Sunday; 09:00 - 22:30   Sundays before Bank Holidays; 09:00 - 00:00
12/03422/LIPDPS	Albemarle Club	Lower Ground Floor 36 Albemarle Street London W1S 4JE	Club or institution	Monday to Sunday; 09:00 - 06:00
12/07034/LIPN	Petrocchi Restaurant & Bar	Ground Floor 36 Albemarle Street London W1S 4JE	Restaurant	Monday to Saturday; 07:00 - 00:00   Sunday; 08:00 - 23:30

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City of Westminster

# Licensing Sub-Committee Report

## Agenda Item 2

Item No:	
Date:	25 April 2019
Licensing Ref No:	19/00950/LIPV - Premises Licence Variation
Title of Report:	Wingstop Restaurants Basement to Second Floor 138 Shaftesbury Avenue London W1D 7EA
Report of:	Director of Public Protection and Licensing
Wards involved:	St James's
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Kevin Jackaman Senior Licensing Officer
Contact details	Telephone: 0207 641 8094 Email: kjackaman@westminster.gov.uk

## 1. Application

1-A Applicant and premises			
<b>Application Type:</b>	Variation of a Premises Licence, Licensing Act 2003		
<b>Application received date:</b>	23 January 2019		
<b>Applicant:</b>	Lemon Pepper Holdings Ltd		
<b>Premises:</b>	Wingstop Restaurants		
<b>Premises address:</b>	Basement to Second Floor 138 Shaftesbury Avenue London WC2H 8HB	<b>Ward:</b>	St James's Ward
		<b>Cumulative Impact Area:</b>	West End
<b>Premises description:</b>	The premises currently operate as a restaurant specialising in chicken wings		
<b>Variation description:</b>	<p>1. To extend the terminal hour for the sale of alcohol (on the premises only) from 23:00 to 00:00 Monday to Saturday and from 22:30 to 00:00 on Sundays. Please note: the hours for the sale of alcohol off the premises shall remain unchanged.</p> <p>2. To add the provision of late night refreshment, Monday to Sunday 23:00 to 00:00</p> <p>3. To extend the terminal opening hour from 23:30 to 00:00 Monday to Saturday and from 22:30 to 00:00 on Sunday.</p> <p>4. To amend condition 17 which currently reads: No rubbish, including bottles, shall be moved, removed or placed in outside areas between 2300 hours and 0600 hours or as in compliance with Westminster City Council's own waste contractor collection hours. To read: No rubbish, including bottles, shall be moved, removed or placed in outside areas between 0000 hours and 0600 hours or as in compliance with Westminster City Council's own waste contractor collection hours. To propose an additional condition - please see the operating schedule. All other conditions in the operating schedule are remain the same and are not being varied.</p>		
<b>Premises licence history:</b>	The premises has had the benefit of a premises licence since March 2018. The current premises licence reference is 18/00145/LIPN which is attached as Appendix 1 of this report. Please see Appendix 3 of the report for a full licence history		
<b>Applicant submissions:</b>	None		
<b>Additional information</b>	<b>Following consultation, the applicant has removed the extension of hours in relation to Sundays.</b>		



	Due to a failed notice check, the consultation period for the application was extended from 20 February 2019 to 12 March 2019.
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1-B Current and proposed licensable activities, areas and hours						
Late night refreshment						
Indoors, outdoors or both		Current :			Proposed:	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	Not currently licensed for Late Night Refreshment		23:00	00:00	All licensable activities take place on the ground and first floors	No change
Tuesday			23:00	00:00		
Wednesday			23:00	00:00		
Thursday			23:00	00:00		
Friday			23:00	00:00		
Saturday			23:00	00:00		
Sunday			No change			
Seasonal variations/ Non-standard timings:	Current:			Proposed:		
	The premises may remain open for the sale of alcohol and the provision of late night refreshment from the terminal hour for those activities on New Year's Eve through to the commencement time for those activities on New Year's Day			No change		

Sale by Retail of Alcohol						
On or off sales		Current :			Proposed:	
		Both on and off the premises			As change however extended hours will relate to on sales only	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	11:00	23:00	11:00	00:00	All licensable activities take place on the ground and first floors	No change
Tuesday	11:00	23:00	11:00	00:00		
Wednesday	11:00	23:00	11:00	00:00		
Thursday	11:00	23:00	11:00	00:00		
Friday	11:00	23:00	11:00	00:00		
Saturday	11:00	23:00	11:00	00:00		
Sunday	10:00	22:30	No change			
Seasonal	Current:			Proposed:		

<b>variations/ Non-standard timings:</b>	The premises may remain open for the sale of alcohol and the provision of late night refreshment from the terminal hour for those activities on New Year's Eve through to the commencement time for those activities on New Year's Day	No change
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<b>Hours premises are open to the public</b>						
	<b>Current Hours</b>		<b>Proposed Hours</b>		<b>Premises Area</b>	
	<b>Start:</b>	<b>End:</b>	<b>Start:</b>	<b>End:</b>	<b>Current:</b>	<b>Proposed:</b>
<b>Monday</b>	10:00	23:30	10:00	00:00	All licensable activities take place on the ground and first floors	No change
<b>Tuesday</b>	10:00	23:30	10:00	00:00		
<b>Wednesday</b>	10:00	23:30	10:00	00:00		
<b>Thursday</b>	10:00	23:30	10:00	00:00		
<b>Friday</b>	10:00	23:30	10:00	00:00		
<b>Saturday</b>	10:00	23:30	10:00	00:00		
<b>Sunday</b>	10:00	22:30	No change			
<b>Seasonal variations/ Non-standard timings:</b>	<b>Current:</b> The premises may remain open for the sale of alcohol and the provision of late night refreshment from the terminal hour for those activities on New Year's Eve through to the commencement time for those activities on New Year's Day				<b>Proposed:</b> No change	

<b>1-C    Layout alteration</b>
No change

<b>1-D    Conditions being varied, added or removed</b>	
<b>Condition</b>	<b>Proposed variation</b>
No rubbish, including bottles, shall be moved, removed or placed in outside areas between 2300 hours and 0600 hours or as in compliance with Westminster City Council's own waste contractor collection hours.	No rubbish, including bottles, shall be moved, removed or placed in outside areas between 0000 hours and 0600 hours or as in compliance with Westminster City Council's own waste contractor collection hours.

**1-E Conditions proposed to be added by the applicant**

On Fridays and Saturdays, from 22:00 until close, there shall be a minimum of 1 SIA door supervisor on duty at the premises

**A modified condition has been proposed by the Metropolitan Police Service and agreed by the Applicant, to read as follows:**

On Fridays and Saturdays, from 22:00 until close, there shall be a minimum of 1 SIA door supervisor on duty at the premises. They shall wear either a high visibility yellow jacket or vest.

**2. Representations**

**2-A Responsible Authorities**

<b>Responsible Authority:</b>	Metropolitan Police Service ( <i>withdrawn</i> )
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<b>Representative:</b>	PC Adam Deweltz
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<b>Received:</b>	25 January 2019
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With reference to the above, I am writing to inform you that the Metropolitan Police, as a Responsible Authority, will be making a representation against this application.

The venue is situated within the Cumulative Impact Area. It is our belief that if granted the application would undermine the Licensing Objectives in relation to The Prevention of Crime and Disorder .

I note the SIA condition contained within in the operating schedule. Would you be prepared to amend this condition to read the following:

On Fridays and Saturdays, from 22:00 until close, there shall be a minimum of 1 SIA door supervisor on duty at the premises. They shall wear either a high visibility yellow jacket or vest.

If this can be agreed, I will be in a position to withdraw my representation.

**Following agreement of the above condition, the Metropolitan Police Service representation was withdrawn on 25 January 2019**

<b>Responsible Authority:</b>	Licensing Authority
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<b>Representative:</b>	Roxsana Haq
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<b>Received:</b>	19 February 2019
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I write in relation to the application (19/00950/LIPV) submitted for the variation of a Premises Licence for:

**Wingstop Restaurants, Basement to Second Floor, 138 Shaftesbury Avenue, London WC2H 8HB**

As a responsible authority under section 13 (4) of the Licensing Act 2003 as amended

under the Police and Social Responsibility Act 2011 the Licensing Authority have considered your application in full. The Licensing Authority has concerns in relation to this application and how the premises would promote the Licensing Objectives:

- Public Nuisance
- Prevention of Crime & Disorder
- Public Safety
- Protection of Children from harm

This application seeks the following:

1. To extend the terminal hour for the sale of alcohol (on the premises only) from 23:00 to 00:00 hours Monday to Saturday and from 22:30 to 00:00 hours on Sundays.
2. To add the provision of late night refreshment, Monday to Sunday 23:00 to 00:00
3. To extend the terminal opening hour from 23:30 to 00:00 Monday to Saturday and from 22:30 to 00:00 on Sunday.
4. To amend condition 17 which currently reads:

No rubbish, including bottles, shall be moved, removed or placed in outside areas between 2300 hours and 0600 hours or as in compliance with Westminster City Council's own waste contractor collection hours.

To read:

No rubbish, including bottles, shall be moved, removed or placed in outside areas between 0000 hours and 0600 hours or as in compliance with Westminster City Council's own waste contractor collection hours.

5. To propose an additional condition – which is:

On Fridays and Saturdays, from 22:00 until close, there shall be a minimum of 1 SIA door supervisor on duty at the premises

The premises is located within the West End Cumulative Impact area and as such a number of policy points must be considered, namely HRS1 and CIP1.

The Council's core hours policy as defined in HRS1 state the hours for the supply of alcohol on the premises, these are:

Monday to Thursday:	10:00 to 23:30
Friday and Saturday:	10:00 to midnight
Sundays immediately prior to Bank Holidays:	Midday to midnight
Other Sundays:	Midday to 22:30

The application as it stands falls outside of these hours for the supply of alcohol on the

premises. Therefore, we encourage the applicant to consider reducing the hours for licensable activity in line with the core hours policy.

Policy point 2.5.10 states that “Should a restaurant apply for permission to supply late night refreshment, that is the supply of hot food or hot drink at any time between the hours of 23.00 and 05.00, then, in the event of relevant representations being received, the licensing sub-committee will have regard, amongst other matters, to the desirability of encouraging the rapid dispersal of people from the Cumulative Impact areas, and the times of closing of other premises in the vicinity.”

Furthermore policy points 2.3.4 says “The consideration of hours of operation will be in the context of the particular circumstances of each application and the licensing objectives of preventing crime and disorder and public nuisance. The hours at which noise may occur and disturbance of residents’ rest, relaxation and sleep will be of particular concern.” And point 2.3.5 “Activity associated with late night licensed premises may have an impact on the local environment and may cause public nuisance. The effect of noise is greater later at night when ambient noise levels are lower and residents are at home relaxing or wishing to sleep.”

The Licensing Authority request further information as to how the applicant proposes to address the above concerns should this variation application be granted within the West End cumulative impact area.

Further discussions will be held with the applicant prior to the hearing and any further submissions will be forwarded on for Members information.

Please accept this as a formal representation and I look forward to receiving any further submissions.

<b>Responsible Authority:</b>	Environmental Health Service
<b>Representative:</b>	Maxwell Owusu Koduah
<b>Received:</b>	7 February 2019

**Wingstop Restaurants, Basement To Second Floor, 138 Shaftesbury Avenue, London, WC2H 8HB**

I refer to the application to vary the Premises Licence number for the above mentioned premises. This premises is located within the West End Cumulative Impact area. I have considered the information that you have provided within and accompanying this application. I have also considered the proposed licensable activities in line with the relevant policies within the Council’s Statement of Licensing Policy dated January 2016.

**The applicant is seeking the following changes:**

1. To extend the terminal hour for the sale of alcohol (on the premises only) from 23:00 to 00:00 hours Monday to Saturday and from 22:30 to 00:00 hours on Sundays.
2. To add the provision of late night refreshment, Monday to Sunday 23:00 to 00:00
3. To extend the terminal opening hour from 23:30 to 00:00 Monday to Saturday

and from 22:30 to 00:00 on Sunday.

4. To amend condition 17 which currently reads:

No rubbish, including bottles, shall be moved, removed or placed in outside areas between 2300 hours and 0600 hours or as in compliance with Westminster City Council's own waste contractor collection hours.

To read:

No rubbish, including bottles, shall be moved, removed or placed in outside areas between 0000 hours and 0600 hours or as in compliance with Westminster City Council's own waste contractor collection hours.

5. To propose an additional condition – which is:

On Fridays and Saturdays, from 22:00 until close, there shall be a minimum of 1 SIA door supervisor on duty at the premises

**Following consideration of the application and how it may affect the Licensing Objectives and meeting the requirements of the Council's Statement of Licensing Policy I wish to make the following representations:**

1. Extending the terminal hour for the sale of alcohol by 1 hour Monday to Saturday and 1 hour 30 minutes on Sunday may have the likely effect of causing an increase in Public Nuisance and may affect Public Safety within the West End Cumulative Impact area
2. The provision of late night refreshment and the hours requested may have the likely effect of causing an increase in Public Nuisance and may affect Public Safety within the West End Cumulative Impact area
3. Extending the terminal opening hours beyond core hours may have the likely effect of causing an increase in Public Nuisance and may affect Public Safety within the West End Cumulative Impact area
4. Amending condition 17 as proposed may have the likely effect of causing an increase in Public Nuisance and may affect Public Safety within the West End Cumulative Impact area
5. No objection

It is my view that there is insufficient information to address the concerns of Environmental Health and the granting of this application as presented would have the likely effect of causing an increase in Public Nuisance and may affect Public Safety within the West End Cumulative Impact area.

The above concerns and conditions 35 & 40 Premises Licence ref. 18/00145/LIPN shall be discussed further with application.

The applicant is asked to contact the undersigned to arrange a site visit/meeting to discuss the proposed changes and its wider implication on the licensing objectives of Public Nuisance and Public Safety.

**Environmental Health have proposed the following condition in addition to those contained within the operating schedule**

- There shall be no sales of hot food or hot drink for consumption off the premises after 23.00 hours

2-B Interested Parties			
<b>Name:</b>		[REDACTED]	
<b>Address and/or Residents Association:</b>		[REDACTED]	
<b>Status:</b>	Valid	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	28 January 2019		
<p>The terminal hour on Sunday should remain unchanged. As a high stress area, local residents should have at least one night of rest and these premises are one of many in the west end who are contributing to the issue of noise and litter.</p> <p><b>The applicant has removed the extension of hours in relation to Sundays and on that basis, [REDACTED] withdrew his representation on 4 April 2019</b></p>			

### 3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
<b>Policy CP1 applies</b>	<p>(i) It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas for: pubs and bars, fast food premises, and premises offering facilities for music and dancing; other than applications to vary hours within the Core Hours under Policy HRS1.</p> <p>(ii) Applications for other licensable activities in the Cumulative Impact Areas will be subject to other policies, and must demonstrate that they will not add to cumulative impact in the Cumulative Impact Areas.</p>
<b>Policy HRS1 applies</b>	<p>(i) Applications for hours within the core hours set out below in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy.</p> <p>(ii) Applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other relevant policies.</p> <p><u>For premises for the supply of alcohol for consumption on the premises:</u>  Monday to Thursday: 10:00 to 23:30  Friday and Saturday: 10:00 to midnight  Sundays immediately prior to Bank Holidays: Midday to midnight  Other Sundays: Midday to 22:30</p>

	<u>For premises for the provision of other licensable activities:</u> Monday to Thursday: 09:00 to 23.30 Friday and Saturday: 09:00 to midnight Sundays immediately prior to Bank Holidays: 09:00 to midnight Other Sundays: 09:00 to 22:30
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#### 4. Equality Implications

The Council in its capacity as Licensing Authority has a duty to have regard to its public sector equality duty under section 149 of the Equality Act 2010. In summary, section 149 provides that a Public Authority must, in the exercise of its functions, have due regard to the need to:

- (a) Eliminate discrimination harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it' and
- (c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Section 149 (7) of the Equality Act 2010 defines the relevant protected characteristics as age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

#### 5. Appendices

<b>Appendix 1</b>	Current premises Licence
<b>Appendix 2</b>	Applicants Supporting Documents
<b>Appendix 3</b>	Premises history
<b>Appendix 4</b>	Proposed conditions
<b>Appendix 5</b>	Residential map and list of premises in the vicinity

<b>Report author:</b>	Kevin Jackaman Senior Licensing Officer
<b>Contact:</b>	Telephone: 0207 641 8094 Email: kjackaman@westminster.gov.uk

**If you have any queries about this report or wish to inspect one of the background papers please contact the report author.**

#### **Background Documents – Local Government (Access to Information) Act 1972**

<b>1</b>	Licensing Act 2003	N/A
<b>2</b>	City of Westminster Statement of Licensing	7 <sup>th</sup> January 2016



	Policy	
<b>3</b>	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2018
<b>4</b>	Metropolitan Police Service Representation <i>(withdrawn)</i>	25 January 2019
<b>5</b>	Licensing Authority Representation	19 February 2019
<b>5</b>	Environmental Health Service Representation	7 February 2019
<b>6</b>	Interested Party Representation <i>(withdrawn)</i>	28 January 2019



Schedule 12  
Part A

WARD: St James's  
UPRN: 010033600434

**City of Westminster**  
64 Victoria Street, London, SW1E 6QP

**Premises licence**

Regulation 33, 34

**Premises licence number:**

18/00145/LIPN

**Original Reference:**

18/00145/LIPN

**Part 1 – Premises details**

**Postal address of premises:**

Wingstop Restaurants  
Basement To Second Floor  
138-140 Shaftesbury Avenue  
London  
W1D 7EA

**Telephone Number:** Not Supplied

**Where the licence is time limited, the dates:**

Not applicable

**Licensable activities authorised by the licence:**

Sale by Retail of Alcohol

**The times the licence authorises the carrying out of licensable activities:**

**Sale by Retail of Alcohol**

Monday to Saturday: 11:00 to 23:00  
Sunday: 11:00 to 22:30

*For times authorised for New Year see conditions at Annex 3*

**The opening hours of the premises:**

Monday to Saturday: 10:00 to 23:30  
Sunday: 10:00 to 22:30

**Where the licence authorises supplies of alcohol, whether these are on and/or off supplies:**

Alcohol is supplied for consumption both on and off the Premises.

**Part 2**

**Name, (registered) address, telephone number and email (where relevant) of holder of premises licence:**

Lemon Pepper Holdings Ltd  
7-9 Whitfield Street  
London  
W1T 2AS

**Registered number of holder, for example company number, charity number (where applicable)**

10589672

**Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol:**

**Name:** Mr Christian Mario Jose Solanot

*Please note: It is the policy of the Licensing Authority not to display the address details of a designated premises supervisor.*

**Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol:**

**Licence Number:** CCCI/02685  
**Licensing Authority:** Caradon District Council

**Date:** 25 May 2018

**Signed:** pp



**Director - Public Protection and Licensing**

## Annex 1 – Mandatory conditions

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
  - (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
  - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises
    - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
      - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
      - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
    - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
    - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
    - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
    - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6.
  - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either –
  - (a) a holographic mark, or
  - (b) an ultraviolet feature.

7. The responsible person must ensure that –

- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures -
  - (i) beer or cider: ½ pint;
  - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
  - (iii) still wine in a glass: 125 ml;
- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

A responsible person in relation to a licensed premises means the holder of the premise licence in respect of the premises, the designated premises supervisor (if any) or any individual aged 18 or over who is authorised by either the licence holder or designated premises supervisor. For premises with a club premises certificate, any member or officer of the club present on the premises in a capacity that which enables him to prevent the supply of alcohol.

8(i) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

8(ii) For the purposes of the condition set out in paragraph 8(i) above -

- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- (b) "permitted price" is the price found by applying the formula -

$$P = D + (D \times V)$$

Where -

- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
    - (i) the holder of the premises licence,
    - (ii) the designated premises supervisor (if any) in respect of such a licence, or
    - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
  - (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
  - (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
- 8(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- 8(iv).
- (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
  - (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

**Annex 2 – Conditions consistent with the operating Schedule**

None

### **Annex 3 – Conditions attached after a hearing by the licensing authority**

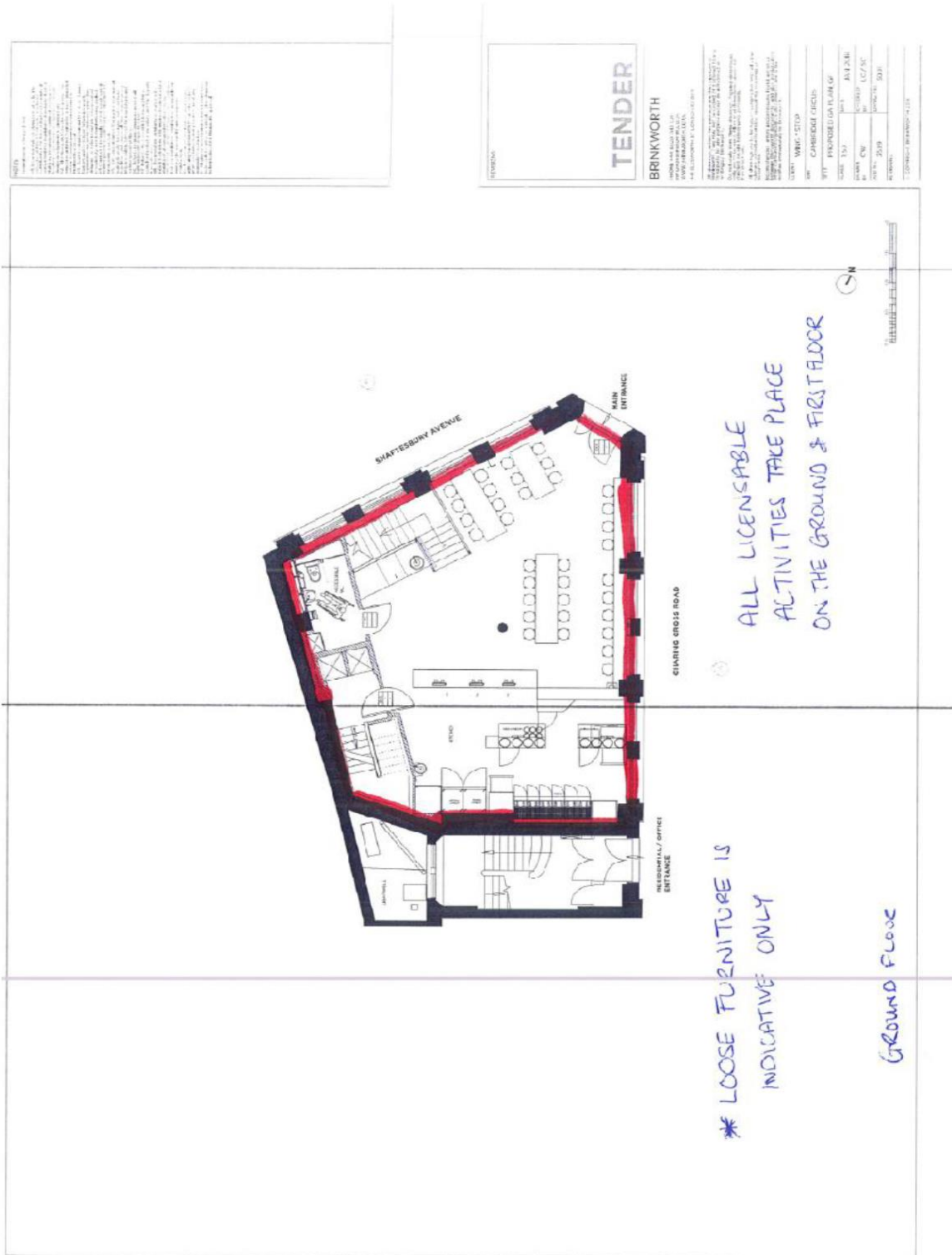
9. The sale of alcohol for consumption on the premises shall only be to persons purchasing a substantial table meal there and as an ancillary to that meal, which is to be eaten seated at a table or counter in the premises.
10. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
11. No super-strength beer, lagers, ciders or spirit mixtures of 5.5% ABV (alcohol by volume) or above shall be sold at the premises
12. There shall be no self service of alcohol.
13. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram
14. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.
15. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
16. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.
17. No rubbish, including bottles, shall be moved, removed or placed in outside areas between 2300 hours and 0600 hours or as in compliance with Westminster City Council's own waste contractor collection hours.
18. No deliveries of alcohol to the premises shall take place between 23:00 hours and 06:00 hours on the following day
19. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
20. Persons temporarily leaving the premises onto the public highway for the purposes of smoking shall not take any drinks with them.
21. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
22. The premises licence holder shall ensure that any patrons smoking outside the premises do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.



23. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
24. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
25. The approved arrangements at the premises, including means of escape provisions, emergency warning equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order.
26. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.
27. All emergency doors shall be available at all material times without the use of a key, code, card or similar means.
28. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
29. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
30. Curtains and hangings shall be arranged so as not to obstruct emergency safety signs or emergency equipment.
31. All fabrics, curtains, drapes and similar features including materials used in finishing and furnishing shall be either non-combustible or be durably or inherently flame-retarded fabric. Any fabrics used in escape routes (other than foyers), entertainment areas or function rooms, shall be non-combustible.
32. Flashing or particularly bright lights on or outside the premises shall not cause a nuisance to nearby properties, save insofar as they are necessary for the prevention of crime.
33. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:
  - (a) all crimes reported to the venue
  - (b) all ejections of patrons
  - (c) any complaints received concerning crime and disorder
  - (d) any incidents of disorder
  - (e) all seizures of drugs or offensive weapons
  - (f) any faults in the CCTV system
  - (g) any refusal of the sale of alcohol
  - (h) any visit by a relevant authority or emergency service.
34. The premises may remain open for the sale of alcohol and the provision of late night refreshment from the terminal hour for those activities on New Year's Eve through to the commencement time for those activities on New Year's Day.
35. No licensable activities shall take place at the premises until the premises has been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the Licence by the licensing authority.

36. All sales of alcohol for consumption off the premises shall be in sealed containers and ancillary to a takeaway meal only, and shall not be consumed on the premises or in the immediate vicinity of the premises.
37. The sale of alcohol shall be limited to a selection of 3 beers.
38. No fumes, steam or odours shall be emitted from the licensed premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated.
39. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times
40. No licensable activities shall take at the premises until the capacity of the premises has been assessed by the Environmental Health Consultation Team and a condition detailing the capacity so determined has replaced this condition on the Licence. The capacity to be determined shall not exceed 99 persons.
41. There shall be no licensable activity in the basement or on the second floor of the premises.

Annex 4 – Plans







**City of Westminster**  
64 Victoria Street, London, SW1E 6QP

**Schedule 12  
Part B**

**WARD: St James's  
UPRN: 010033600434**

**Premises licence  
summary**

Regulation 33, 34

**Premises licence number:**

18/00145/LIPN

**Part 1 – Premises details**

**Postal address of premises:**

Wingstop Restaurants  
Basement To Second Floor  
138-140 Shaftesbury Avenue  
London  
W1D 7EA

**Telephone Number:** Not Supplied

**Where the licence is time limited, the dates:**

Not applicable

**Licensable activities authorised by the licence:**

Sale by Retail of Alcohol

**The times the licence authorises the carrying out of licensable activities:**

**Sale by Retail of Alcohol**

Monday to Saturday:	11:00 to 23:00
Sunday:	11:00 to 22:30

*For times authorised for New Year see conditions at Annex 3*

**The opening hours of the premises:**

Monday to Saturday:	10:00 to 23:30
Sunday:	10:00 to 22:30

**Where the licence authorises supplies of alcohol, whether these are on and/or off supplies:**

Alcohol is supplied for consumption both on and off the Premises.

**Name and (registered) address of holder of premises licence:**

Lemon Pepper Holdings Ltd  
7-9 Whitfield Street  
London  
W1T 2AS

**Registered number of holder, for example company number, charity number (where applicable)**

10589672

**Name of designated premises supervisor where the premises licence authorises for the supply of alcohol:**

**Name:** Mr Christian Mario Jose Solanot

**State whether access to the premises by children is restricted or prohibited:**

Restricted

**Date:** 25 May 2018

**Signed:** pp



**Director - Public Protection and Licensing**

None submitted

**Licence & Appeal History**

<b>Application</b>	<b>Details of Application</b>	<b>Date Determined</b>	<b>Decision</b>
18/00145/LIPN	New premises Licence	1 March 2018	Granted by Licensing Sub Committee
18/15187/LIPDPS	Variation of Designated Premises Supervisor	30 December 2018	Granted under delegated authority

**There is no appeal history**



*CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE AND CONDITIONS PROPOSED BY A PARTY TO THE HEARING*

When determining an application for a new premises licence under the provisions of the Licensing Act 2003, the licensing authority must, unless it decides to reject the application, grant the licence subject to the conditions which are indicated as mandatory in this schedule.

At a hearing the licensing authority may, in addition, and having regard to any representations received, grant the licence subject to such conditions which are consistent with the operating schedule submitted by the applicant as part of their application, or alter or omit these conditions, or add any new condition to such extent as the licensing authority considers appropriate for the promotion of the licensing objectives.

This schedule lists those conditions which are consistent with the operating schedule, or proposed as appropriate for the promotion of the licensing objectives by a responsible authority or an interested party as indicated. These conditions have not been submitted by the licensing service but reflect the positions of the applicant, responsible authority or interested party and have not necessarily been agreed

**Conditions: On Current Licence -**

**Mandatory:**

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
  - (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
  - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
    - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
      - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
      - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);

- (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
  - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
  - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
  - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
- (a) a holographic mark, or
  - (b) an ultraviolet feature.
7. The responsible person must ensure that—
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
    - (i) beer or cider: ½ pint;
    - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
    - (iii) still wine in a glass: 125 ml;

- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

A responsible person in relation to a licensed premises means the holder of the premise licence in respect of the premises, the designated premises supervisor (if any) or any individual aged 18 or over who is authorised by either the licence holder or designated premises supervisor. For premises with a club premises certificate, any member or officer of the club present on the premises in a capacity that which enables him to prevent the supply of alcohol.

8(i) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

8(ii) For the purposes of the condition set out in paragraph 8(i) above -

- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- (b) "permitted price" is the price found by applying the formula -

$$P = D+(D \times V)$$

Where -

- (i) P is the permitted price,
  - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
  - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
- (i) the holder of the premises licence,
  - (ii) the designated premises supervisor (if any) in respect of such a licence, or
  - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

- (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
- 8(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- 8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

## **Annex 2 – Conditions consistent with the operating Schedule**

None

## **Annex 3 – Conditions attached after a hearing by the licensing authority**

9. The sale of alcohol for consumption on the premises shall only be to persons purchasing a substantial table meal there and as an ancillary to that meal, which is to be eaten seated at a table or counter in the premises.
10. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
11. No super-strength beer, lagers, ciders or spirit mixtures of 5.5% ABV (alcohol by volume) or above shall be sold at the premises
12. There shall be no self service of alcohol.
13. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram
14. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.
15. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open.

This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.

16. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.
17. No rubbish, including bottles, shall be moved, removed or placed in outside areas between 2300 hours and 0600 hours or as in compliance with Westminster City Council's own waste contractor collection hours.
18. No deliveries of alcohol to the premises shall take place between 23:00 hours and 06:00 hours on the following day
19. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
20. Persons temporarily leaving the premises onto the public highway for the purposes of smoking shall not take any drinks with them.
21. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
22. The premises licence holder shall ensure that any patrons smoking outside the premises do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.
23. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
24. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
25. The approved arrangements at the premises, including means of escape provisions, emergency warning equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order.
26. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.
27. All emergency doors shall be available at all material times without the use of a key, code, card or similar means.

28. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
29. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
30. Curtains and hangings shall be arranged so as not to obstruct emergency safety signs or emergency equipment.
31. All fabrics, curtains, drapes and similar features including materials used in finishing and furnishing shall be either non-combustible or be durably or inherently flame-retarded fabric. Any fabrics used in escape routes (other than foyers), entertainment areas or function rooms, shall be non-combustible.
32. Flashing or particularly bright lights on or outside the premises shall not cause a nuisance to nearby properties, save insofar as they are necessary for the prevention of crime.
33. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:
  - (a) all crimes reported to the venue
  - (b) all ejections of patrons
  - (c) any complaints received concerning crime and disorder
  - (d) any incidents of disorder
  - (e) all seizures of drugs or offensive weapons
  - (f) any faults in the CCTV system
  - (g) any refusal of the sale of alcohol
  - (h) any visit by a relevant authority or emergency service.
34. The premises may remain open for the sale of alcohol and the provision of late night refreshment from the terminal hour for those activities on New Year's Eve through to the commencement time for those activities on New Year's Day.
35. No licensable activities shall take place at the premises until the premises has been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the Licence by the licensing authority.
36. All sales of alcohol for consumption off the premises shall be in sealed containers and ancillary to a takeaway meal only, and shall not be consumed on the premises or in the immediate vicinity of the premises.
37. The sale of alcohol shall be limited to a selection of 3 beers.
38. No fumes, steam or odours shall be emitted from the licensed premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated.
39. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times

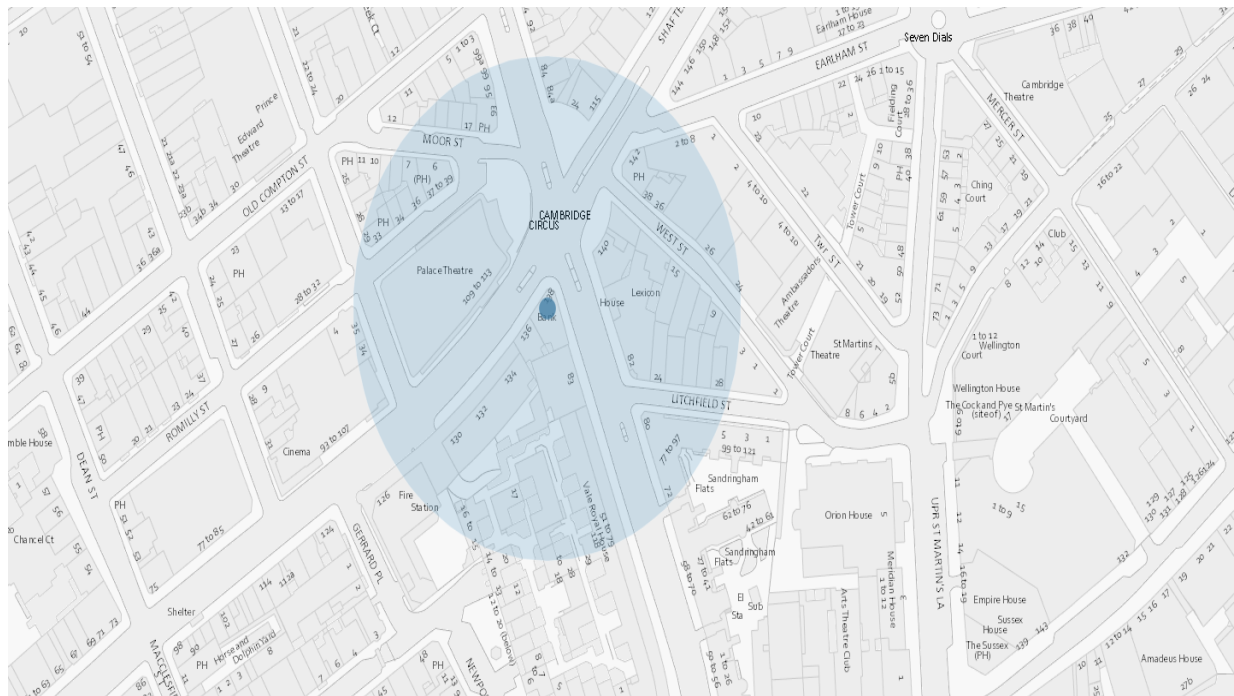
40. No licensable activities shall take at the premises until the capacity of the premises has been assessed by the Environmental Health Consultation Team and a condition detailing the capacity so determined has replaced this condition on the Licence. The capacity to be determined shall not exceed 99 persons.
41. There shall be no licensable activity in the basement or on the second floor of the premises.

**The Metropolitan Police Service have proposed the following condition and agreed with the applicant so as to form part of the operating schedule**

42. On Fridays and Saturdays, from 22:00 until close, there shall be a minimum of 1 SIA door supervisor on duty at the premises. They shall wear either a high visibility yellow jacket or vest

**Environmental Health have proposed the following condition in addition to those contained within the operating schedule**

43. There shall be no sales of hot food or hot drink for consumption off the premises after 23.00 hours



Resident Count 45

**Premises within a 75m radius of 138-140 Shaftesbury Avenue**

Licence Number	Trading Name	Address	Premises Type	Time Period
18/00145/LIPN	Wingstop Restaurants	Basement To Second Floor 138 Shaftesbury Avenue London WC2H 8HB	Restaurant	Monday to Saturday; 10:00 - 23:30   Sunday; 10:00 - 22:30
13/05563/LIPDPS	Walkabout	136 Shaftesbury Avenue London W1D 5EZ	Pub or pub restaurant with lodge	Monday to Saturday; 09:00 - 04:00   Sunday; 10:00 - 04:00
18/15994/LIPDPS	Shake Shack	1 Cambridge Circus London WC2H 8PA	Restaurant	Monday to Saturday; 10:00 - 00:30   Sunday; 12:00 - 00:00



17/08981/LIPVM	Palace Theatre	Palace Theatre 109 - 113 Shaftesbury Avenue London W1D 5AY	Theatre	Monday to Sunday; 09:00 - 00:00
10/10268/LIPT	Subway	82 Charing Cross Road London WC2H 0BA	Shop	Monday to Saturday; 08:00 - 06:00   Sunday; 08:00 - 00:00
19/01312/LIPDPS	L'Atelier De Joel Robuchon	13-15 West Street London WC2H 9NE	Restaurant	Monday to Saturday; 09:00 - 02:00   Sunday; 12:00 - 22:30
08/06532/LIPN	Karine Jackson Hair Beauty	24 Litchfield Street London WC2H 9NJ	Hairdresser or beauty salon	Monday; 10:00 - 19:00   Tuesday; 10:00 - 21:00   Wednesday; 10:00 - 20:00   Thursday; 10:00 - 21:00   Friday; 10:00 - 19:00   Saturday; 09:00 - 18:00
16/04558/LIPT	Le Beaujolais Wine Bar	25 Litchfield Street London WC2H 9NJ	Wine bar	Monday to Saturday; 10:00 - 23:30   Sunday; 12:00 - 23:00
16/04565/LIPT	Le Beaujolais Restaurant Club	25 Litchfield Street London WC2H 9NJ	Wine bar	Monday to Thursday; 10:00 - 23:30   Friday to Saturday; 10:00 - 00:00   Sunday; 12:00 - 23:00
17/09476/LIPRW	London Grace	11 West Street London WC2H 9NE	Hairdresser or beauty salon	Monday to Wednesday; 09:00 - 21:00   Thursday to Friday; 09:00 - 22:00   Saturday; 09:00 - 20:00   Sunday; 10:00 - 16:00

17/12519/LIPV	The Spice Of Life	37-39 Romilly Street London W1D 5NA	Pub or pub restaurant with lodge	Monday to Thursday; 09:00 - 23:30   Friday to Saturday; 09:00 - 00:00   Sunday; 09:00 - 23:00   Sundays before Bank Holidays; 09:00 - 00:00   New Year's Eve; 00:00 - 00:00
12/11305/LIPDPS	The Spice Of Life	37-39 Romilly Street London W1D 5NA	Pub or pub restaurant with lodge	Monday to Saturday; 09:00 - 23:30   Sunday; 09:00 - 23:00
09/01988/LIPD	Souk Restaurant	Ground 27 Litchfield Street London WC2H 9NJ	Cafe	Monday to Saturday; 10:00 - 00:30   Sunday; 12:00 - 00:00
19/01925/LIPDPS	The Cambridge Hotel	93 Charing Cross Road London WC2H 0DP	Public house or pub restaurant	Monday to Thursday; 07:00 - 23:30   Monday to Saturday; 07:00 - 00:30   Friday to Saturday; 07:00 - 00:00   Sunday; 07:00 - 00:00   Sunday; 07:00 - 22:50   Sundays before Bank Holidays; 07:00 - 00:00
19/03552/LIPCHT	The Ivy Club	9 West Street London WC2H 9NE	Shop	Monday to Saturday; 08:00 - 02:30   Sunday; 10:00 - 23:00
18/09016/LIPDPS	Z Hotel	The Z Hotel Soho 17 Moor Street London W1D 5AP	Hotel, 4+ star or major chain	Monday to Sunday; 00:01 - 00:00
18/07826/LIPDPS	La Bodega Negra	Basement And Ground Floor 16 Moor Street London W1D 5AP	Restaurant	Monday to Sunday; 00:00 - 00:00
16/07722/LIPV	The Ivy	1 - 7 West Street London WC2H 9NQ	Restaurant	Monday to Saturday; 08:00 - 01:30   Sunday; 08:00 - 01:00

11/06024/LIPT	Coach & Horses Public House	29 Greek Street London W1D 5DH	Pub or pub restaurant with lodge	Monday to Thursday; 10:00 - 23:30   Friday to Saturday; 10:00 - 00:00   Sunday; 12:00 - 22:50   Sundays before Bank Holidays; 12:00 - 00:00
15/11904/LIPT	Restaurant	Basement And Ground Floor 8-9 Moor Street London W1D 5ND	Not Recorded	Monday to Thursday; 08:00 - 00:30   Friday to Saturday; 08:00 - 01:00   Sunday; 08:00 - 23:00
16/11180/LIPN	Maison Berteaux	28 Greek Street London W1D 5DQ	Food store (large)	Monday to Sunday; 08:00 - 23:00

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